HEALTH CODE
OF
BALTIMORE CITY

(As Last Amended by Ord. 13-113)

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TABLE OF TITLES, SUBTITLES

Title 1. Definitions; General Provisions

Subtitle 1. Definitions
Subtitle 2. Rules of Construction
Subtitle 3. Short Title

Title 2. Department of Health

Subtitle 1. Organization and General Authority
Subtitle 2. Cooperation with Department
Subtitle 3. Administrative Hearings

Title 3. Health Facilities

Subtitle 1. {Vacant}
Subtitle 2. Nursing Homes
Subtitle 3. City Clinics and Centers
Subtitle 4. Temporary Hospitals
Subtitle 5. Limited-Service Pregnancy Centers

Title 4. Disease Control

Subtitle 1. General Provisions
Subtitle 2. Reporting Diseases — In General
Subtitle 3. Reporting Diseases — Tuberculosis
Subtitle 4. Controlling Communicable Diseases
Subtitle 5. Immunizations
Subtitle 6. Lead Poisoning
Subtitle 7. Biological Terrorism Reporting
Subtitle 8. {Reserved}
Subtitle 9. Penalties

Title 5. Nuisance Control

Subtitle 1. Definitions; General Provisions
Subtitle 2. Nuisance Abatement — Generally
Subtitle 3. Nuisance Abatement — Dwellings
Subtitle 4. Lead-Based Paint
Subtitle 5. Bodily Wastes
Subtitle 6. Mosquitoes
Subtitle 7. Weeds
Subtitle 8. {Reserved}
Subtitle 9. Miscellaneous Requirements

Title 6. Food Service Facilities

Subtitle 1. Definitions; General Provisions
Subtitle 2. License Required
Subtitle 3. Food Service Managers
Subtitle 4. Fees
Subtitle 5. Miscellaneous Regulations
Subtitle 6. Suspensions and Revocations
Subtitle 7. {Reserved}
Subtitle 8. Penalties

Title 7. Waste Control

Subtitle 1. Definitions; General Provisions
Subtitle 2. Solid Waste Collection
Subtitle 3. Transporting Waste
Subtitle 4. Landfills
Subtitle 5. Wastewater from Hydraulic Fracturing
Subtitle 6. Prohibited Disposal
Subtitle 7. Littering

Title 8. Air Pollution

Subtitle 1. Prohibited Emissions
Subtitle 2. Open Burning
Subtitle 3. Penalties

Title 9. Noise Regulation

Subtitle 1. Definitions; General Provisions
Subtitle 2. Basic Sound Level Standards
Subtitle 3. Entertainment and Commercial Noise
Subtitle 4. Amplified Sounds in Market Center

Title 10. Animal Control and Protection

Subtitle 1. General Provisions
Subtitle 2. Licensing
Subtitle 3. General Care and Control
Subtitle 4. Animal Protection
Subtitle 5. Public Nuisance Animals
Subtitle 6. Wild Animals, etc.; Prohibited Animals
Subtitle 7. Attack Dogs; Dangerous and Vicious Animals
Subtitle 8. Impoundment
Subtitle 9. Horse Riding and Driving
Subtitle 10. Hearings and Judicial Review
Subtitle 11. Penalties

Title 11. Swimming Pools

Subtitle 1. Definitions
Subtitle 2. Private Outdoor Swimming Pools
Subtitle 3. Public Swimming Pools

Title 12. Tobacco Products

Subtitle 1. Indoor Smoking
*Subtitle 2. Sale of Unpackaged Cigarette*s
Subtitle 3. Distribution of Samples and Coupons
Subtitle 4. Placement of Tobacco Products
Subtitle 5. Distribution to Minors
Subtitle 6. Flavored Tobacco Wrappings

Title 13. Tattoo Establishments

Subtitle 1. Definitions
Subtitle 2. Licensing and Registration
Subtitle 3. Regulated Activities
Subtitle 4. Enforcement; Penalties

Title 14. Ammunition Sales to Minors

Title 15. Ephedrine Products

Subtitle 1. Definitions
Subtitle 2. Distribution to Minors
Subtitle 3. Product Placement

Titles 16 to 17. ***{Reserved}***

Title 18. Miscellaneous Regulations

TABLE OF SECTIONS

TITLE 1
DEFINITIONS; GENERAL PROVISIONS

Subtitle 1
Definitions

§ 1-101. In general.
§ 1-102. Adult.
§ 1-103. City Code.
§ 1-104. Commissioner.
§ 1-105. Department.
§ 1-106. Includes; including.
§ 1-107. Minor.
§ 1-108. Person
§ 1-109. Physician.
§ 1-110. Police officer.
§ 1-111. Revised Code.
§ 1-112. Street

Subtitle 2
Rules of Construction

§ 1-201. In general.
§ 1-202. Captions or headings.
§ 1-203. Conflicting provisions.
§ 1-204. Gender.
§ 1-205. Mail.
§ 1-206. Mandatory, prohibitory, and permissive terms.
§ 1-207. Number.
§ 1-208. References to other laws.
§ 1-209. Revisor's Notes.
§ 1-210. Severability.
§ 1-211. Time computations.

Subtitle 3
Short Title

§ 1-301. Short title.

TITLE 2
DEPARTMENT OF HEALTH

Subtitle 1
Organization and General Authority

§ 2-101. Department established.
§ 2-102. Commissioner.
§ 2-103. Deputies, assistants, etc.
§ 2-104. Commissioner's Charter powers.
§ 2-105. General duties.
§ 2-106. Rules and regulations.
§ 2-107. Right of entry.

Subtitle 2
Cooperation with Department

Part I. Physicians; Police

§ 2-201. Physicians to report and assist.
§ 2-202. Police to execute orders.
§§ 2-203 to 2-204. *{Reserved}*

Part II. Prohibited Conduct

§ 2-205. Obstructing, etc., personnel.
§ 2-206. Impersonating Departmental personnel.
§ 2-207. Failure to comply with order or notice.
§§ 2-208 to 2-210. *{Reserved}*

Part III. Penalties

§ 2-211. Violation a misdemeanor.
§ 2-212. Basic penalty: $500.
§ 2-213. Failure to obey notice or order: $200 plus $50/day.

Subtitle 3
Administrative Hearings

§ 2-301. Scope of subtitle.
§ 2-302. Opportunity for hearing.
§ 2-303. Delegation of hearing authority.
§ 2-304. Conduct of hearing.
§ 2-305. Evidence.
§ 2-306. Final decisions.
§ 2-307. Judicial and appellate review.

TITLE 3
HEALTH FACILITIES

Subtitle 1
{Vacant}

Subtitle 2
Nursing Homes

§ 3-201. "Nursing home" defined.
§ 3-202. Cooling requirements.
§ 3-203. Equipment and supply standards.
§ 3-204. *{Reserved}*
§ 3-205. *{Reserved}*
§ 3-206. Civil penalties: $1,000.

Subtitle 3
City Clinics and Centers

§ 3-301. Commissioner may establish.
§ 3-302. Operational guidelines and procedures.
§ 3-303. Fees.

Subtitle 4
Temporary Hospitals

§ 3-401. Establishment.
§ 3-402. Rules and regulations.
§ 3-403. Individuals too sick to move.
§ 3-404. *{Reserved}*
§ 3-405. *{Reserved}*
§ 3-406. Penalties: $500.

Subtitle 5
Limited-Service Pregnancy Centers

§ 3-501. "Limited-service ... center: defined.
§ 3-502. Disclaimer required.
§ 3-503. Violation notice.
§ 3-504. *{Reserved}*
§ 3-505. *{Reserved}*
§ 3-506. Enforcement by citation.

TITLE 4
DISEASE CONTROL

Subtitle 1
General Provisions

§ 4-101. Nature of reports.
§ 4-102. Form and contents of reports.
§ 4-103. Inspection of records.

Subtitle 2
Reporting Diseases — In General

Part I. By Health Care Practitioners

§ 4-201. Physicians.
§ 4-202. Health care facilities.
§ 4-203. Laboratories — in general.
§ 4-204. Laboratories — referral of cultures.
§§ 4-205 to 4-206. *{Reserved}*

Part II. By Others

§ 4-207. Lodging facilities.
§ 4-208. Vessels in harbor.

Subtitle 3
Reporting Diseases — Tuberculosis

§ 4-301. Laboratory test results.
§ 4-302. Drugs suggesting treatment.
§ 4-303. Physician's contact investigation.
§ 4-304. Patient leaving hospital or institution.
§ 4-305. Discontinued treatment.
§ 4-306. Death from tuberculosis.

Subtitle 4
Controlling Communicable Diseases

§ 4-401. "Communicable disease" defined.
§ 4-402. Investigations generally.
§ 4-403. Examinations of individuals.
§ 4-404. Action to prevent spread; public notice.
§ 4-405. Vacating premises.
§ 4-406. Medical isolation — in general.
§ 4-407. Medical isolation — court papers sealed.
§ 4-408. *{Reserved}*
§ 4-409. *{Reserved}*
§ 4-410. Prohibited conduct.

Subtitle 5
Immunizations

Part I. Purpose and Need

§ 4-501. In general.
§ 4-502. *{Reserved}*

Part II. Immunization Required

§ 4-503. Parental responsibility.
§ 4-504. Scope of enforcement.
§ 4-505. Rules and regulations.
§ 4-506. Exceptions.
§§ 4-507 to 4-508. *{Reserved}*

Part III. Pediatric Registry

§ 4-509. Commissioner to establish registry.
§ 4-510. Reports by health care providers.
§ 4-511. Civil penalties: $1,000.

Subtitle 6
Lead Poisoning

Part I. Screening Required

§ 4-601. Parental responsibility.
§ 4-602. Provider's responsibility.
§ 4-603. Exceptions.
§ 4-604. Enforcement.
§ 4-605. *{Reserved}*

Part II. Registry; Reports

§ 4-606. Commissioner to establish registry.
§ 4-607. Reports by medical laboratories.
§ 4-608. Reports by child care facilities.
§ 4-609. Civil penalties: $100.

Part III. Public School Water Fountains

§ 4-611. Inspections required.
§ 4-612. Failing fountains.

Part III. Public School Water Fountains

§ 4-611. Inspections required.
§ 4-612. Failing fountains.

Subtitle 7
Biological Terrorism Reporting

§ 4-701. Definitions.
§ 4-702. In general.
§ 4-703. EMS calls.
§ 4-704. Animal carcasses.
§ 4-705. School absences.
§ 4-706. Health center treatments.
§ 4-707. Emergency department visits.
§ 4-708. Medications.

Subtitle 8
{Reserved}

Subtitle 9
Penalties

§ 4-901. Violation a misdemeanor.
§ 4-902. Basic penalty: $1,000 and 12 months.
§ 4-903. Failure to vaccinate: $500.

TITLE 5
NUISANCE CONTROL

Subtitle 1
Definitions; General Provisions

§ 5-101. Definitions.
§ 5-102. Commissioner's duties.

Subtitle 2
Nuisance Abatement — Generally

§ 5-201. Responsibility of persons in charge.
§ 5-202. Notice to persons in charge.
§ 5-203. Contents of notice.
§ 5-204. Service of notice.
§ 5-205. Abatement by Commissioner.
§ 5-206. Costs and expenses.
§ 5-207. *{Reserved}*
§ 5-208. *{Reserved}*
§ 5-209. Enforcement by citation.
§ 5-210. Penalties: $1,000.

Subtitle 3
Nuisance Abatement — Dwellings

§ 5-301. Definitions.
§ 5-302. Scope of subtitle.
§ 5-303. Enforcement of Maintenace Code.
§ 5-304. Right of entry.
§ 5-305. Inspector's testimony.
§ 5-306. *{Repealed}*

Subtitle 4
Lead-Based Paint

§ 5-401. Definitions.
§ 5-402. Warning label required.
§ 5-403. Placement.
§ 5-404. Labels not to indicate interior use.
§ 5-405. *{Reserved}*
§ 5-406. *{Reserved}*
§ 5-407. Enforcement by citation.
§ 5-408. Penalties: $1,000.

Subtitle 5
Bodily Wastes

§ 5-501. Spitting in public places.
§ 5-502. *{Reserved}*
§ 5-503. Urinating or defecating in public places - in general.
§ 5-504. Urinating or defecating in public places - parents or guardians of minors.
§ 5-505. *{Reserved}*
§ 5-506. *{Reserved}*
§ 5-507. Minors urinating or defecating in public.
§ 5-508. *{Reserved}*
§ 5-509. Enforcement by citation.
§ 5-510. Penalties: Varied.

Subtitle 6
Mosquitoes

§ 5-601. Definitions.
§ 5-602. Purpose of subtitle.
§ 5-603. Responsibility of persons in charge.
§ 5-604. Collections prohibited unless treated.
§ 5-605. Methods of treatment.
§ 5-606. Prima facie evidence of breeding.
§ 5-607. Notice to person in charge.
§ 5-608. Abatement by Commissioner.
§ 5-609. *{Reserved}*
§ 5-610. *{Reserved}*
§ 5-611. Penalties: $500.

Subtitle 7
Weeds

§ 5-701. Responsibility of persons in charge.
§ 5-702. Cutting grass, weeds, etc., required.
§ 5-703. Destroying noxious weeds, etc., required.
§ 5-704. Notice to person in charge.
§ 5-705. Abatement by Public Works.
§ 5-706. *{Reserved}*
§ 5-707. *{Reserved}*
§ 5-708. Enforcement by citation.
§ 5-709. Penalties: Varied.

Subtitle 8
{Reserved}

Subtitle 9
Miscellaneous Requirements

§ 5-901. Cleaning sidewalks and gutters.
§ 5-902. Keeping offensive materials on property.
§ 5-903. Livestock.
§ 5-904. Deposit on streets, etc. prohibited.
§ 5-905. Plastic bags.
§ 5-906. Abandoned refrigerators, etc.
§ 5-907. *{Reserved}*
§ 5-908. *{Reserved}*
§ 5-909. *{Reserved}*
§ 5-910. Penalties: Varied.

TITLE 6
FOOD SERVICE FACILITIES

Subtitle 1
Definitions; General Provisions

§ 6-101. Definitions.
§ 6-102. Commissioner's duties.
§ 6-103. Rules and regulations.
§ 6-104. Inspections; samples.
§ 6-105. Confiscation of food.

Subtitle 2
License Required

§ 6-201. In general.
§ 6-202. Applications.
§ 6-203. Inspection and priority assessment.
§ 6-204. Issuance of license.
§ 6-205. Scope of license.
§ 6-206. Material alterations.
§ 6-207. Term and renewal of license.
§ 6-208. Provisional licenses.

Subtitle 3
Food Service Managers

§ 6-301. Certain facilities to employ manager.
§ 6-302. Managers to be certified.
§ 6-303. Certification requirements.
§ 6-304. Issuance to individuals only.
§ 6-305. Term.
§ 6-306. Instructors to be certified.

Subtitle 4
Fees

§ 6-401. *{Vacant}*
§ 6-402. Processing fees.
§ 6-403. Annual license fees.
§ 6-404. Reduced fee for certain tax exempt entities.
§ 6-405. Waived fee for certain day care centers.
§ 6-406. Late fees.
§ 6-407. Manager certification fees.
§ 6-408. Use of fee proceeds.

Subtitle 5
Miscellaneous Regulations

§ 6-501. Definitions.
§ 6-502. Compliance with health laws required.
§ 6-503. Disguising adulterated, etc., food.
§ 6-504. Possessing, etc., adulterated, etc., food.
§ 6-505. Frozen food regulations.
§ 6-505.1. Dated food products.
§ 6-506. Litter and rubbish prohibited.
§ 6-507. Trans fats prohibited.

Subtitle 6
Suspensions and Revocations

§ 6-601. Notice of violation or hazard.
§ 6-602. Suspension on failure to correct.
§ 6-603. Suspension without notice.
§ 6-603.1. Suspension, etc., for multiple or unpaid citations.
§ 6-604. Reinstatement of suspended licenses.
§ 6-605. Revocation of licenses.
§ 6-606. Notice of suspensions.

Subtitle 7
{Reserved}

Subtitle 8
Penalties

§ 6-801. Enforcement by citation.
§ 6-802. Penalties Varied.

TITLE 7
WASTE CONTROL

Subtitle 1
Definitions; General Provisions

§ 7-101. Definitions.
§ 7-102. Findings, declaration of public policy.
§ 7-103. Rules and regulations.

Subtitle 2
Solid Waste Collection

Part I. Definitions; General Provisions

§ 7-201. Definitions.
§ 7-202. Scope of subtitle.
§§ 7-203 to 7-204. *{Reserved}*

Part II. License Required

§ 7-205. In general.
§ 7-206. Applications.
§ 7-207. Inspection of applicant.
§ 7-208. Issuance of license.
§ 7-209 Term and renewal of license.

§ 7-210. License fees.
§ 7-211. Inspection of licensee.
§§ 7-212 to 7-213. *{Reserved}*

Part III. Suspensions and Revocations

§ 7-214. Suspension, revocation after notice.
§ 7-215. Suspension, revocation after conviction.
§§ 7-216 to 7-217. *{Reserved}*

Part IV. Haulers' Duties

§ 7-218. Identification of vehicles.
§ 7-219. Identification of containers.
§ 7-220. Sanitation requirements.
§ 7-221. Hours of collection.
§ 7-222. Daily log.
§§ 7-223 to 7-224. *{Reserved}*

Part V. Using Unlicensed Haulers

§ 7-225. List of licensees.
§ 7-226. Prohibited conduct.
§§ 7-227 to 7-228. *{Reserved}*

Part VI. Penalties

§ 7-229. Enforcement by citation.
§ 7-230. Penalties: $500/day.

Subtitle 3
Transporting Waste

§ 7-301. Coverings and containers required.
§ 7-302. Loading and care.
§ 7-303. Noncommercial vehicles.
§ 7-304. Replacement of spills.
§ 7-305. *{Reserved}*
§ 7-306. *{Reserved}*
§ 7-307. Penalties: $500.

Subtitle 4
Landfills

Part I. Definitions; General Provisions

§ 7-401. Definitions.
§ 7-402. Exceptions from subtitle.
§§ 7-403 to 7-405. *{Reserved}*

Part II. License Required

§ 7-406. In general.
§ 7-407. Applications.
§ 7-408. Issuance of license.
§ 7-409. Term and renewal of license.
§ 7-410. License fees.
§ 7-411. Notice of changed information.
§ 7-413. *{Reserved}*

Part III. Suspensions, Revocations, and Denials

§ 7-414. Suspensions.
§ 7-415. Revocations and denials of renewal.
§§ 7-416 to 7-417. *{Reserved}*

Part IV. Penalties

§ 7-418. Enforcement by citation.
§ 7-419. Penalties: §1,000 and $100/day.

Subtitle 5
Wastewater from Hydraulic Fracturing

§ 7-501. Definitions.
§ 7-502. Storing, treating, disposing, etc. prohibited.
§ 7-503. Penalties: $1,000 and 90 days.

Subtitle 6
Prohibited Disposal

Part I. Scope of Subtitle

§ 7-601. "Litter" excluded.
§§ 7-602 to 7-605. *{Reserved}*

Part II. Prohibited Activities

§ 7-606. In general.
§ 7-607. Disposing of offensive materials.
§ 7-608. Dumping on public property.
§ 7-609. Dumping on private property.
§ 7-610. Burning waste.
§§ 7-611 to 7-615. *{Reserved}*

Part III. Seizure and Forfeiture of Vehicles

§ 7-616. Responsibility of vehicle owner, lessee, etc.
§ 7-617. Grounds for seizure.
§ 7-618. Seizure by police.
§ 7-619. Referral to Solicitor.
§ 7-620. Forfeiture petition; notice.
§ 7-621. Answer to petition.
§ 7-622. Early retrieval by owner.
§ 7-623. Order of forfeiture.
§ 7-624. Order of release.
§§ 7-625 to 7-626. *{Reserved}*

Part IV. Enforcement; Penalties

§ 7-627. Grants for reports of violations.
§ 7-628. Liability for cots and expenses.
§§ 7-629 to 7-630. *{Reserved}*
§ 7-631. Enforcement by Environmental or Civil Citation.
§ 7-632. Criminal penalties: Varied.

Subtitle 7
Littering

§ 7-701. "Litter" defined.
§ 7-702. Littering prohibited.
§ 7-703. Material from vehicle.
§ 7-704. *{Reserved}*
§ 7-705. Enforcement by citation.
§ 7-706. Penalties: $500.

TITLE 8
AIR POLLUTION

Subtitle 1
Prohibited Emissions

§ 8-101. Definitions.
§ 8-102. Commissioner's powers.
§ 8-103. *{Reserved}*
§ 8-104. *{Reserved}*
§ 8-105. Prohibited conduct.
§ 8-106. Order to correct conditions.

Subtitle 2
Open Burning

§ 8-201. Definitions.
§ 8-202. Purpose of subtitle.
§ 8-203. Open burning prohibited.
§ 8-204. Exceptions.

Subtitle 3
Penalties.

§ 8-301. Enforcement by citation.
§ 8-302. Penalties: $1,000.

TITLE 9
NOISE REGULATION

Subtitle 1
Definitions; General Provisions

§ 9-101. Definitions.
§ 9-102. Construction of title.
§ 9-103. Exemptions.
§ 9-104. Rules and regulations.

Subtitle 2
Basic Sound Level Standards

Part I. Definitions; General Provisions

§ 9-201. Definitions.
§ 9-202. Declaration of findings and policy.
§§ 9-203 to 9-204. *{Reserved}*

Part II. Maximum Sound Levels

§ 9-205. In general.
§ 9-206. Limits.
§ 9-207. Nighttime sound reductions.
§ 9-208. Permitted deviations.
§ 9-209. Temporary exemptions.
§§ 9-210 to 9-211. *{Reserved}*

Part III. Enforcement

§ 9-212. Notice of violation.
§ 9-213. Enforcement by Commissioner.
§ 9-214. Private actions; civil damages.
§§ 9-215 to 9-216. *{Reserved}*

Part IV. Penalties

§ 9-217. Enforcement by citation.
§ 9-218. Penalties: $1,000.

Subtitle 3
Entertainment and Commercial Noise

Part I. General Provisions

§ 9-301. Declaration of findings and intent.
§ 9-302. Scope of subtitle.
§ 9-303. Temporary exemptions.
§§ 9-304 to 9-305. *{Reserved}*

Part II. Entertainment Noise

§ 9-306. Prohibited conduct - in general.
§ 9-307. Prohibited conduct - parents or guardians.
§ 9-308. Presumptions.
§ 9-309. Violations by minors.
§§ 9-310 to 9-311. *{Reserved}*

Part III. Commercial Noise

§ 9-312. Loudspeakers, etc.
§ 9-313. Outcrying.
§§ 9-314 to 9-315. *{Reserved}*

Part IV. Penalties

§ 9-316. Enforcement by citation.
§ 9-317. Penalties: Varied.

Subtitle 4
Amplified Sounds in Market Center

Part I. Definitions; General Provisions

§ 9-401. Definitions.
§ 9-402. Declaration of findings and intent.
§ 9-403. Scope of subtitle.
§§ 9-404 to 9-405. *{Reserved}*

Part II. General Regulations

§ 9-406. Commercial speech.
§ 9-407. Noncommercial speech.
§ 9-408. Loud and raucous sounds prohibited.
§§ 9-409 to 9-411. *{Reserved}*

Part III. Permits

§ 9-412. Applications
§ 9-413. Review and issuance.
§ 9-414. Judicial review of denied application.
§§ 9-415 to 9-416. *{Reserved}*

Part IV. Penalties

§ 9-417. Enforcement by citation.
§ 9-418. Penalties: $500 and 10 days.

TITLE 10
ANIMAL CONTROL AND PROTECTION

Subtitle 1
General Provisions

Part I. Definitions; Purpose

§ 10-101. Definitions.
§ 10-102. Purpose of Title.
§ 10-103. *{Reserved}*

Part II. Administration

§ 10-104. Rules and regulations.
§ 10-105. Mayor's Anti-Animal Abuse Advisory Comm'n.
§ 10-106. Fees.
§ 10-107. Contracting for services.
§ 10-108. Inspections; investigations, and impoundments.
§ 10-109. Office of Animal Control.
§ 10-110. Animal enforcement officers.
§ 10-111. Service of notice.
§ 10-112. Obstructing, etc., officers; False statements.
§ 10-113. *{Reserved}*

Part III. Complaint Process

§ 10-114. Initiation of complaint.
§ 10-115. Investigation.
§ 10-116. Finding animal to be dangerous or vicious.

Subtitle 2
Licensing

Part I. Dog and Cat Licenses

§ 10-201. License required.
§ 10-202. License fees.
§ 10-203. Applications.
§ 10-204. Issuance of licenses and tags.
§ 10-205. Term.
§ 10-206. Records; replacements.
§ 10-207. Prohibited conduct.
§ 10-208. Owner to provide copy to custodian.
§ 10-209. *{Reserved}*

Part II. Facility Licenses

§ 10-210. License required.
§ 10-211. Applications.
§ 10-212. Issuance.
§ 10-213. *{Reserved}*
§ 10-214. Term.
§ 10-215. Animal records.
§ 10-216. Prohibited conduct.
§§ 10-217 to 10-218. *{Reserved}*

Part III. Denials, Amendments, Suspensions, and Revocations

§ 10-219. Grounds for denial, etc.
§ 10-220. Additional grounds for denial, etc.
§ 10-221. *{Reserved}*
§ 10-222. No refund on suspension, amendment, etc.
§ 10-223. Surrender or removal of animal on denial, etc.
§ 10-224. Reapplication after denial or revocation.

Subtitle 3
General Care and Control

§ 10-301. Rabies - Vaccinations.
§ 10-302. Rabies - Possible exposure.
§ 10-303. Humane care required.
§§ 10-304 to 10-306. *{Reserved}*
§ 10-307. Restraints required.
§ 10-308. Transporting animals.
§ 10-309. Disposition of dead animals.
§§ 10-310 to 10312. *{Reserved}*
§ 10-313. Animal waste.
§ 10-314. Injury by vehicle.

Subtitle 4
Animal Protection

§ 10-401. Scope of subtitle.
§ 10-402. Neglect of animal.
§ 10-403. Abandonment of animal.
§ 10-404. Cruelty to or abuse of animal.
§ 10-405. Animal fights.
§ 10-406. Animal shows.
§ 10-407. Exposure to poisons.
§ 10-408. Confinement in cage.
§ 10-409. Prohibited tethering of dogs.
§ 10-410. Animals as prizes or inducements.
§ 10-411. Molesting birds.

Subtitle 5
Public Nuisance Animals

§ 10-501. Definitions.
§ 10-502. Owner, custodian to exercise care and control.
§ 10-503. Nuisances prohibited.
§ 10-504. Animals at large.

Subtitle 6
Wild Animals, etc.; Prohibited Animals

§ 10-601. Wild, exotic, and hybrid animals.
§ 10-602. Importation of wild rabbits and hares.
§ 10-603. Other prohibited animals.

Subtitle 7
Attack Dogs; Dangerous and Vicious Animals

§ 10-701. Attack dogs.
§ 10-702. Dangerous animals.
§ 10-703. Vicious animals – Definitions.
§ 10-704. Vicious animals – Hearing
§ 10-705. Vicious animals – At large.
§ 10-706. Vicious animals – Keeping prohibited.

Subtitle 8
Impoundment

§ 10-801. Authority to impound.
§ 10-802. Right of entry and impoundment.
§ 10-803. Notice.
§ 10-804. Holding period; Hearing.
§ 10-805. Reclaiming animal.
§ 10-806. Unclaimed or surrendered animals.
§ 10-807. Altering animal.
§ 10-808. Other fees.

Subtitle 9
Horse Riding and Driving

Part I. Definitions; Scope

§ 10-901. Definitions.
§ 10-902. Exemptions.
§§ 10-903 to 10-904. *{Reserved}*

Part II. Driving Licenses

§ 10-905. License required.
§ 10-906. Applications.
§ 10-907. Issuance; Form; Fee.
§ 10-908. Term
§ 10-909. Denial, suspension, revocation, etc.
§§ 10-910 to 10-911. *{Reserved}*

Part III. Required Care

§ 10-912. Examination by veterinarian.
§ 10-913. General limitations on use.
§ 10-914. Limitations on driving – General.
§ 10-915. Limitations on driving – Weather.
§ 10-916. Equipment.
§ 10-917. Quarters.
§ 10-918. Sick or injured horses.
§§ 10-919 to 10-920. *{Reserved}*

Part IV. Miscellaneous Requirements

§ 10-921. Identification cards.
§ 10-922. Driving under the influence.
§ 10-923. Registry of rentals.
§ 10-924. Display of vehicle license.

Subtitle 10
Hearings and Judicial Review

Part I. Animal Hearing Panel

§ 10-1001. Panel established.
§ 10-1002. Appointment and organization.
§ 10-1003. Rules and regulations.

Part II. Hearings and Decision

§ 10-1004. Opportunity for hearing.
§ 10-1005. Conduct of hearing.
§ 10-1006. Panel decision.
§ 10-1007. Corrective actions.

Part III. Administrative and Judicial Review

§ 10-1008. Appeal to Commissioner.
§ 10-1009. Judicial and appellate review.
§ 10-1010. Holding animal pending appeals.
§ 10-1011. Costs of care pending judicial review.

Subtitle 11
Penalties

§ 10-1101. Enforcement by citation.
§ 10-1102. Criminal penalties: Varied.

TITLE 11
SWIMMING POOLS

Subtitle 1
Definitions

§ 11-101. Definitions.

Subtitle 2
Private Outdoor Swimming Pools

Part I. Definitions; General Provisions

§ 11-201. "Private outdoor pool" defined.
§ 11-202. Purpose.
§ 11-203. Scope of subtitle.
§§ 11-204 to 11-205. *{Reserved}*

Part II. Required Enclosure

§ 11-206. Fence or wall required.
§ 11-207. Gates and doors.
§ 11-208. Owner and occupant responsible for compliance.
§ 11-209. Modifications.
§§ 11-210 to 11-211. *{Reserved}*

Part III. Penalties

§ 11-212. Penalties: $500.

Subtitle 3
Public Swimming Pools

Part I. Definitions; General Provisions

§ 11-301. Definitions.
§ 11-302. Scope of subtitle.
§ 11-303. General powers of Commissioner.
§§ 11-304 to 11-305. *{Reserved}*

Part II. License Required

§ 11-306. In general.
§ 11-307. Applications.
§ 11-308. Issuance of license.
§ 11-309. Term of license.
§ 11-310. License not transferable.
§§ 11-311 to 11-312. *{Reserved}*

Part III. Suspensions and Revocations

§ 11-313. In general.
§ 11-314. Immediate suspension.
§§ 11-315 to 11-316. *{Reserved}*

Part IV Penalties

§ 11-317. Enforcement by citation.
§ 11-318. Penalties: $1,000 and 6 months.

TITLE 12
TOBACCO PRODUCTS

Subtitle 1
Indoor Smoking

§ 12-101. Definitions.
§ 12-102. Scope.
§§ 12-103 to 12-104. *{Reserved}*
§ 12-105. Where smoking prohibited.
§ 12-106. Exceptions – General.
§ 12-107. Exceptions – Private clubs, smoking bars, etc.
§ 12-108. Waivers.
§§ 12-109 to 12-110. *{Reserved}*
§ 12-111. Enforcement by citation.
§ 12-112. Penalties: Varied.

Subtitle 2
Sale of Unpackaged Cigarettes

§ 12-201. Definitions.
§ 12-202. Sale prohibited.
§ 12-203. Enforcement by citation.
§ 12-204. Penalties: $1,000.

Subtitle 3
Distribution of Samples and Coupons

§ 12-301. Definitions.
§ 12-302. Exemptions.
§ 12-303. Public distribution prohibited.
§ 12-304. *{Reserved}*
§ 12-305. *{Reserved}*
§ 12-306. Penalties: $500.

Subtitle 4
Placement of Tobacco Products

§ 12-401. Definitions.
§ 12-402. Placement requirements - In general.
§ 12-403. Placement requirements - Exceptions.
§ 12-404. *{Reserved}*
§ 12-405. *{Reserved}*
§ 12-406. Enforcement by citation.
§ 12-407. Penalties: $500.

Subtitle 5
Distribution to Minors

§ 12-501. Definitions.
§ 12-502. Unlawful distribution.
§ 12-503. Exceptions.
§ 12-504. *{Reserved}*
§ 12-505. *{Reserved}*
§ 12-506. Enforcement by citation.
§ 12-507. Penalties: $1,000.

Subtitle 6
Flavored Tobacco Wrappings

§ 12-601. Definitions.
§ 12-602. Distribution prohibited.
§ 12-603. Exception for certain tobacco shops.
§ 12-604. Exception for vending machine sales.
§ 12-605. *{Reserved}*
§ 12-606. Enforcement by citation.
§ 12-607. Penalties: $1,000.

TITLE 13
TATTOO ESTABLISHMENTS

Subtitle 1
Definitions

§ 13-101. Definitions.

Subtitle 2
Licensing and Registration

§ 13-201. License required for establishments.
§ 13-202. Registration required for tattooists.
§ 13-203. Applications for license.
§ 13-204. Issuance of license; fee.
§ 13-205. Term.

Subtitle 3
Regulated Activities

§ 13-301. Safety and sanitary standards.
§ 13-302. *{Reserved}*
§ 13-303. *{Reserved}*
§ 13-304. Tattooing minors prohibited.

Subtitle 4
Enforcement; Penalties

§ 13-401. Suspensions, revocations, etc.
§ 13-402. *{Reserved}*
§ 13-405. *{Reserved}*
§ 13-404. Penalties: $1,000.

TITLE 14
AMMUNITION SALES TO MINORS

§ 14-101. Definitions.
§ 14-102. *{Reserved}*
§ 14-103. Sale, etc., to minors prohibited.
§ 14-104. Purchase, etc., by minors prohibited.
§ 14-105. Photo ID required.
§ 14-106. *{Reserved}*
§ 14-107. Registration.
§ 14-108. Notices.
§ 14-109. Sales log.
§ 14-110. *{Reserved}*
§ 14-111. Rules and regulations.
§ 14-112. *{Reserved}*
§ 14-113. Penalties.

TITLE 15
EPHEDRINE PRODUCTS

Subtitle 1
Definitions

§ 15-101. Definitions.

Subtitle 2
Distribution to Minors

§ 15-201. Unlawful distribution – Businesses.
§ 15-202. Unlawful distribution – Others.
§ 15-203. Exceptions – Identification as adult.
§ 15-204. Exceptions – Published coupon.
§§ 15-205 to 15-208. *{Reserved}*
§ 15-209. Enforcement by citation.
§ 15-210. Criminal penalties: $1,000.

Subtitle 3
Product Placement

§ 15-301. General requirements.
§ 15-302. Examples of complying placement.
§§ 15-303 to 15-308. *{Reserved}*
§ 15-309. Enforcement by citation.
§ 15-310. Criminal penalties: $500.

TITLES 16 - 17
{RESERVED}

TITLE 18
MISCELLANEOUS REGULATIONS

§ 18-101. Burials.
§ 18-102. Youth baseball gear.

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TITLE 1
DEFINITIONS; GENERAL PROVISIONS

SUBTITLE 1
DEFINITIONS

§ 1-101. In general.

In this article, the following terms have the meanings indicated.
(Ord. 99-548.)

§ 1-102. Adult.

"Adult" means an individual who is 18 years old or older.
(Ord. 99-548.)

§ 1-103. City Code.

"City Code" means:

(1) the 1976/83 Edition of the Baltimore City Code; and

(2) the Revised Code of Baltimore City.
(Ord. 99-548.)

§ 1-104. Commissioner.

"Commissioner" means the Commissioner of Health or the Commissioner's designee.
(Ord. 99-548.)

§ 1-105. Department.

"Department" means the Baltimore City Department of Health.
(Ord. 99-548.)

§ 1-106. Includes; including.

"Includes" or "including" means by way of illustration and not by way of limitation.
(Ord. 99-548.)

§ 1-107. Minor.

"Minor" means an individual under the age of 18.
(Ord. 99-548.)

§ 1-108. Person.

(a) *In general.*

"Person" means:

(1) an individual;

(2) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; or

(3) a partnership, firm, association, corporation, or other entity of any kind.

(b) *Exclusions.*

"Person" does not include, unless otherwise expressly provided, a governmental entity or an instrumentality or unit of a governmental entity.
(Ord. 99-548.)

§ 1-109. Physician.

"Physician" means an individual authorized by law to practice medicine in the State of Maryland.
(Ord. 99-548.)

§ 1-110. Police officer.

"Police officer" includes, to the extent of that individual's authority, any individual authorized to act as a Special Enforcement Officer under City Code Article 19, § 71-1 {"Special Enforcement Officers — Appointment; duties"}.
(Ord. 99-548.)

§ 1-111. Revised Code.

"Revised Code" means the unnumbered revised articles of the City Code.
(Ord. 99-548.)

§ 1-112. Street.

"Street" means any street, boulevard, road, highway, alley, lane, sidewalk, footway, or other way that is owned by the City or habitually used by the public.
(Ord. 99-548.)

SUBTITLE 2
RULES OF CONSTRUCTION

§ 1-201. In general.

In interpreting and applying this article, the following rules of construction apply.
(Ord. 99-548.)

§ 1-202. Captions or headings.

The captions or headings of the various sections and subsections:

(1) are for convenience of reference only, intended to summarize the statutory provisions that follow; and

(2) are not law and are not to be taken as affecting the meaning or effect of the law.
(Ord. 99-548.)

§ 1-203. Conflicting provisions.

(a) *Article sets minimum requirements.*

In their interpretation and application, the provisions of this article must be taken to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(b) *Most restrictive provision governs.*

If any condition imposed by a provision of this article is either more or less restrictive than a comparable condition imposed by any other provision of this article or by any other law, rule, or regulation of any kind, the condition that is the more restrictive governs.
(Ord. 99-548.)

§ 1-204. Gender.

Words denoting one gender include and apply to the other genders as well.
(Ord. 99-548.)

§ 1-205. Mail.

Whenever this article requires the use of "registered mail" or "certified mail", either method may be used.
(Ord. 99-548.)

§ 1-206. Mandatory, prohibitory, and permissive terms.

(a) *Mandatory terms.*

"Must" and "shall" are each mandatory terms used to express a requirement or to impose a duty.

(b) *Prohibitory terms.*

"Must not", "may not", and "no ... may" are each mandatory negative terms used to establish a prohibition.

(c) *Permissive terms.*

"May" is permissive.
(Ord. 99-548.)

§ 1-207. Number.

The singular includes the plural and vice versa.
(Ord. 99-548.)

§ 1-208. References to other laws.

Whenever a provision of this article refers to any part of the City Code or to any other law, the reference applies to any subsequent amendment of the law referred to, unless the referring provision expressly provides otherwise.
(Ord. 99-548.)

§ 1-209. Revisor's Notes.

The Revisor's Notes following the various sections and subsections, including the accompanying lists of defined terms:

(1) are for convenience of reference only, intended to identify the sources of these provisions and highlight changes made to those sources; and

(2) are not law and are not to be taken as affecting the meaning or effect of the law.
(Ord. 99-548.)

§ 1-210. Severability.

(a) *In general.*

Except as provided in subsection (b) of this section:

(1) all provisions of this article are severable; and

(2) if a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstances is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

(b) *Exceptions.*

Subsection (a) of this section does not apply:

(1) to the extent that a statute specifically provides otherwise; or

(2) if the court finds that the remaining provisions alone are incomplete and incapable of being executed in accordance with the legislative intent.

(Ord. 99-548.)

§ 1-211. Time computations.

(a) *Computation of time after an act, event, or default.*

(1) In computing any period of time prescribed by this article, the day of the act, event, or default after which the designated period of time begins to run is not included.

(2) If the period of time allowed is more than 7 days, intermediate Saturdays, Sundays, and legal holidays are counted.

(3) If the period of time allowed is 7 days or less, intermediate Saturdays, Sundays, and legal holidays are not counted.

(4) The last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.

(b) *Computation of time before a day, act, or event*.

(1) In determining the latest day for performing an act that is required by this article to be performed a prescribed number of days before a certain day, act, or event, all days preceding that day, including intervening Saturdays, Sundays, and legal holidays, are counted in the number of days so prescribed.

(2) The latest day is included in the determination unless it is a Saturday, Sunday, or legal holiday, in which event the latest day is the first preceding day that is not a Saturday, Sunday, or legal holiday.

(Ord. 99-548.)

SUBTITLE 3
SHORT TITLE

§ 1-301. Short title.

This article may be cited as the "Health Code of Baltimore City".
(Ord. 99-548.)

TITLE 2
DEPARTMENT OF HEALTH

SUBTITLE 1
ORGANIZATION AND GENERAL AUTHORITY

§ 2-101. Department established.

There is a Department of Health, as established in Article VII, § 54 of the City Charter.
(Ord. 99-548.)

§ 2-102. Commissioner.

The head of the Department is the Commissioner of Health, who is appointed as provided in Article VII, § 55 of the City Charter.
(Ord. 99-548.)

§ 2-103. Deputies, assistants, etc.

(a) *In general.*

The Commissioner may appoint deputies, assistants, professional employees, and other officers and employees as provided in the Ordinance of Estimates.

(b) *Identification.*

While on duty, all officers and employees of the Department must have and, on request, display official identification denoting their employment.
(City Code, 1976/83, art. 11, §3.) (Ord. 99-548.)

§ 2-104. Commissioner's Charter powers.

Under Article VII, § 56 of the City Charter, the Commissioner has the general care of and responsibility for:

(1) enforcing all laws for the preservation of the health of the inhabitants of the City;

(2) the study and prevention of disease, epidemics, and nuisances affecting public health; and

(3) establishing and implementing policies for:

(i) treating and preventing physical and mental illnesses; and

(ii) educating the public about environmental, physical, and mental health.
(Ord. 99-548.)

§ 2-105. General duties.

In addition to any duties set forth elsewhere, the Commissioner has the following duties:

(1) to observe and inspect areas in and near the City that might be health hazards;

(2) to enforce all laws relating to health and the correction of health hazards;

(3) in the absence of a law needed to correct a health hazard, to report and recommend to the Mayor any extraordinary action needed;

(4) to investigate and report all cases of communicable diseases and take immediate action to stop their spread;

(5) to remove and abate nuisances; and

(6) to report to and advise the Mayor and other City authorities on all matters relating to the preservation of the health of the people.

(City Code, 1976/83, art. 11, §1(exc. last cl.).) (Ord. 99-548.)

§ 2-106. Rules and regulations.

(a) *Commissioner may adopt.*

The Commissioner may adopt and enforce rules and regulations to carry out this article.

(b) *Filing with Legislative Reference.*

A copy of all rules and regulations must be filed with the Department of Legislative Reference before they may take effect.

Ord. 99-548.)

§ 2-107. Right of entry.

(a) *In general.*

The Commissioner may, at all reasonable times, enter any structure or premises within the City:

(1) whenever the Commissioner has reason to believe that a health hazard, nuisance, or violation of this article exists in or is emanating from that structure or premises;

(2) to inspect any property, facilities, equipment, operations, animals, records, or other things required or authorized by this article to be inspected; or

(3) otherwise as necessary or appropriate to enforce this article.

(b) *Dwellings.*

(1) *"Dwelling" defined.*

In this subsection, "dwelling" has the meaning stated in § 5-301(b) of this article.

(2) *Governing procedures.*

The entry and inspection of a dwelling must be made in accordance with § 104.6 {"Right of entry"} of the Baltimore City Building Code.

(3) *Search warrant.*

A search warrant must be obtained in accordance with § 104.6 {"Right of entry"} of the Baltimore City Building Code, except as otherwise specified in that section.

(City Code, 1976/83, art. 11, §26(e), inter alia, art. 11, §105, art. 19, §9.)
(Ord. 99-548; Ord. 02-475; Ord. 13-093.)

SUBTITLE 2
COOPERATION WITH DEPARTMENT

PART I. PHYSICIANS; POLICE

§ 2-201. Physicians to report and assist.

On notice from the Commissioner, any practicing physician in the City must provide information, advice, and assistance to the Commissioner in all matters that relate to the preservation of the health of the people and the prevention of communicable diseases.
(City Code, 1976/83, art. 11, §1(last cl.).) (Ord. 99-548.)

§ 2-202. Police to execute orders.

Baltimore City Police Officers are directed to execute all orders of the Commissioner that relate to the preservation of the health in the City.
(City Code, 1976/83, art. 11, §4.) (Ord. 99-548.)

§§ 2-203 to 2-204. ***{Reserved}***

PART II. PROHIBITED CONDUCT

§ 2-205. Obstructing, etc., Departmental personnel.

No person may knowingly obstruct, resist, or interfere with the Commissioner or any officer or employee of the Department while carrying out their powers and duties.
(City Code, 1976/83, art. 11, §5(1st cl.).) (Ord. 99-548.)

§ 2-206. Impersonating Departmental personnel.

No person may, without authority to do so:

(1) use any identification issued to employees of the Department; or

(2) otherwise represent him- or herself as an employee of the Department.
(City Code, 1976/83, art. 11, §3(3rd par., 1st cl.).) (Ord. 99-548.)

§ 2-207. Failure to comply with Commissioner's order or notice.

No person may refuse, neglect, or otherwise fail to comply with any order or notice issued under this article by or under the authority of the Commissioner.
(City Code, 1976/83, art. 11, §6(1st cl.).) (Ord. 99-548.)

§§ 2-208 to 2-209. ***{Reserved}***

PART III. PENALTIES.

§ 2-211. Violation a misdemeanor.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to the penalties provided in this Part III.
(Ord. 99-548.)

§ 2-212. Basic penalty: $500.

Except as otherwise specified in this Part III, the penalty for a violation of this subtitle is a fine of not more than $500 for each offense.
(City Code, 1976/83, art. 11, §3(3rd par.(last cl.)), §5(last cl.).) (Ord. 99-548.)

§ 2-213. Failure to obey notice or order: $200 plus $50/day.

Unless a higher penalty is specified in this article for the same offense, the penalty for a violation of § 2-207 {"Failure to comply with order or notice"} of this subtitle is a fine of not more than $200 for each offense, plus $50 for each day that the offense continues.
(City Code, 1976/83, art. 11, §6(last cl.).) (Ord. 99-548.)

SUBTITLE 3
ADMINISTRATIVE HEARINGS

§ 2-301. Scope of subtitle.

Except as otherwise specified in this article, this subtitle applies whenever:

(1) a person is aggrieved by a notice, order, decision, or other action of the Department; or

(2) the Department proposes to deny, revoke, suspend, or refuse to renew a license or permit.
(Ord. 99-548.)

§ 2-302. Opportunity for hearing.

(a) *Licenses and permits.*

(1) Before the Commissioner takes any final action to deny, revoke, suspend, or refuse to renew a license or permit, the Commissioner must notify the person against whom the action is contemplated of the proposed action.

(2) The notice must:

(i) be in writing; and

(ii) state that a hearing will be provided if, within 10 days of the notice (or any longer period specified in the notice), the person files with the Commissioner a written request for a hearing.

(b) *Other situations.*

(1) In all other situations, any person aggrieved by a notice, order, decision, or other action of the Department may request a hearing on the matter.

(2) The request must:

(i) be in writing;

(ii) state the grounds on which the person is contesting the notice, decision, order, or other action; and

(iii) unless a different time is specified in this article, be filed with the Commissioner within 10 days of the notice, decision, order, or other action.
(Ord. 99-548.)

§ 2-303. Delegation of hearing authority.

(a) *In general.*

Hearings may be conducted by:

(1) the Commissioner; or

(2) a hearing officer designated by the Commissioner.

(b) *Scope of delegation.*

The Commissioner may delegate to a hearing officer the authority to issue:

(1) proposed or final findings of fact;

(2) proposed or final conclusions of law;

(3) proposed or final findings of fact and conclusions of law;

(4) proposed or final orders; or

(5) the final administrative decision of the Department.

(Ord. 99-548.)

§ 2-304. Conduct of hearing.

(a) *Notice.*

(1) The Commissioner must provide all parties reasonable written notice of the hearing.

(2) The notice must state:

(i) the date, time, place, and nature of the hearing;

(ii) the right of a party to be represented, at the party's own expense, by an attorney or, if permitted by law, other representative;

(iii) the right of a party to call witnesses and submit documents or other evidence under § 2-305 of this subtitle; and

(iv) that failure to appear for the scheduled hearing may result in an adverse action against the party.

(b) *Hearings to be open and informal*.

Except as otherwise provided by law or by rule or regulation of the Department, all hearings must be:

(1) open to the public; and

(2) conducted in an orderly but informal manner.

(Ord. 99-548.)

§ 2-305. Evidence.

(a) *In general.*

Except as otherwise provided by this section or by rule or regulation of the Department, formal rules of evidence and trial procedures do not apply.

(b) *Right to submit.*

On a genuine issue of fact, a party is entitled to:

(1) call witnesses;

(2) offer evidence, including rebuttal evidence;

(3) cross-examine any witness that another party or the Department calls; and

(4) present summation and argument.

(c) *Scope.*

The Commissioner or hearing officer:

(1) may admit probative evidence that reasonable and prudent individuals commonly accept in the conduct of their affairs and give probative effect to that evidence;

(2) may not exclude evidence solely on the basis that it is hearsay;

(3) must give effect to a privilege recognized by law;

(4) may receive documentary evidence in the form of copies or excerpts or through incorporation by reference;

(5) may take official notice of a fact that is judicially noticeable or that is general, technical, or scientific and within the specialized knowledge of the Department; and

(6) may exclude evidence that is:

(i) incompetent;

(ii) irrelevant;

(iii) immaterial; or

(iv) unduly repetitious.

(Ord. 99-548.)

§ 2-306. Final decisions.

(a) *Form and contents.*

A final decision must:

(1) be in writing; and

(2) contain separate statements of:

(i) the findings of fact;

(ii) the conclusions of law; and

(iii) the decision or order.

(b) *Distribution.*

A copy of the final decision must be mailed or delivered to each party or that party's attorney of record.

(Ord. 99-548.)

§ 2-307. Judicial and appellate review.

(a) *Judicial review.*

A party aggrieved by a final decision under this subtitle may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) *Appellate review.*

A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

(Ord. 99-548; Ord. 04-672.)

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TITLE 3
HEALTH FACILITIES

SUBTITLE 1
{REPEALED BY ORD. 12-027

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SUBTITLE 2
NURSING HOMES

§ 3-201. "Nursing home" defined.

In this subtitle, "nursing home" means:

(1) a comprehensive care facility, as defined in COMAR 10.07.02.01B(6);.

(2) an assisted living program, as defined in COMAR 10.07.14.02B(10); and

(3) an extended care facility, as defined in COMAR 10.07.02.01B(12).

(City Code, 1976/83, art. 11, §100A(a).) (Ord. 99-548.)

§ 3-202. Cooling requirements.

From June 1 through September 30 of each year, every nursing home must maintain and operate, throughout all rooms and areas that are occupied or used by residents, a cooling system that maintains a temperature of less than 82º F.

(City Code, 1976/83, art. 11, §100A(a)(7), (b).) (Ord. 99-548.)

§ 3-203. Equipment and supply standards.

(a) *Commissioner to develop.*

The Commissioner must develop standards and requirements for the following items used in nursing homes:

(1) patient lifting and mobility equipment;

(2) bathroom and shower equipment; and

(3) linens and toiletries.

(b) *Nursing homes to comply.*

Every nursing home must comply with the standards and requirements adopted under this section.

(City Code, 1976/83, art. 11, §100A(c).) (Ord. 99-548.)

§§ 3-204 to 3-205. *{Reserved}*

§ 3-206. Civil penalties: $1,000.

(a) *In general.*

Any person who violates any provision of this subtitle is subject to a civil fine of not more than $1,000 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.
(City Code, 1976/83, art. 11, §100A(d).) (Ord. 99-548.)

SUBTITLE 3
CITY CLINICS AND CENTERS

§ 3-301. Commissioner may establish.

The Commissioner of Health may establish health clinics and centers in the City.
(City Code, 1976/83, art. 11, §51(1st sen.).) (Ord. 99-548.)

§ 3-302. Operational guidelines and procedures.

(a) *In general.*

The Commissioner must adopt guidelines and procedures for the administration and operation of these clinics and centers.

(b) *Scope.*

Among other matters, the guidelines and procedures must govern:

(1) the eligibility of individuals for services; and

(2) the fees to be charged for those services.
(City Code, 1976/83, art. 11, §51(1st sen.), (2nd sen.(part)).) (Ord. 99-548.)

§ 3-303. Fees.

Fees for services at City clinics and centers:

(1) may not exceed the actual cost of the services; and

(2) must be approved by the Board of Estimates.
(City Code, 1976/83, art. 11, §51(2nd sen.(part)).) (Ord. 99-548.)

SUBTITLE 4
TEMPORARY HOSPITALS

§ 3-401. Establishment.

To prevent morbidity or mortality constituting a threat to public health, the Commissioner of Health, with the approval of the Mayor may:

(1) rent or erect suitable structures for temporary hospitals or places to receive the sick or infected; and

(2) require sick or infected individuals to be moved to these temporary hospitals or places.

(City Code, 1976/83, art. 11, §196(1st, 2nd cls.).) (Ord. 99-548.)

§ 3-402. Rules and regulations.

With the approval of the Mayor, the Commissioner may adopt rules and regulations to govern:

(1) all temporary hospitals or places established under this section; and

(2) all individuals residing in or in any way concerned with them.

(City Code, 1976/83, art. 11, §196(1st, 3rd cls.).) (Ord. 99-548.)

§ 3-403. Individuals too sick to move.

If an individual cannot be moved without danger to his or her health, the house or place where he or she remains is considered to be a temporary hospital for purposes of this subtitle.

(City Code, 1976/83, art. 11, §196(2nd cl.).) (Ord. 99-548.)

§§ 3-404 to 3-405. *{Reserved}*

§ 3-406. Penalties: $500.

(a) *In general.*

Any person who violates a rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $500 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

(City Code, 1976/83, art. 11, §204.) (Ord. 99-548.)

SUBTITLE 5
LIMITED-SERVICE PREGNANCY CENTERS

§ 3-501. "Limited-service pregnancy center" defined.

In this subtitle, "limited-service pregnancy center" means any person:

(1) whose primary purpose is to provide pregnancy-related services; and

(2) who:

(i) for a fee or as a free service, provides information about pregnancy-related services; but

(ii) does not provide or refer for:

(A) abortions; or

(B) nondirective and comprehensive birth-control services.

(Ord. 09-252.)

§ 3-502. Disclaimer required.

(a) *In general.*

A limited-service pregnancy center must provide its clients and potential clients with a disclaimer substantially to the effect that the center does not provide or make referral for abortion or birth-control services.

(b) *How given.*

The disclaimer required by this section must be given through 1 or more signs that are:

(1) written in English and Spanish;

(2) easily readable; and

(3) conspicuously posted in the center's waiting room or other area where individuals await service.

(Ord. 09-252.)

§ 3-503. Violation notice.

If the Health Commissioner learns that a pregnancy center is in violation of this subtitle, the Commissioner shall issue a written notice ordering the center to correct the violation within 10 days of the notice or within any longer period that the Commissioner specifies in the notice.

(Ord. 09-252.)

§§ 3-504 to 3-505. *{Reserved}*

§ 3-506. Enforcement by citation.

(a) *In general.*

The failure to comply with an order issued under § 3-503 {"Violation notice"} of this subtitle may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 09-252.)

TITLE 4
DISEASE CONTROL

SUBTITLE 1
GENERAL PROVISIONS

§ 4-101. Nature of reports.

(a) *Reporting does not breach confidentiality.*

The making of a report as required or permitted by this title is not a breach of a patient's confidentiality.

(b) *Confidentiality of reports.*

Except as otherwise required by law, all reports made under this title are confidential and not open to public inspection.

(City Code, 1976/83, art. 11, §§205(e)(1st cl.), 206(h), 211(e).) (Ord. 99-548.)

§ 4-102. Form and contents of reports.

(a) *Form.*

All reports must be made in writing, in the form that the Commissioner requires.

(b) *Contents.*

In addition to any other information specified in this title or required by the Commissioner, all reports must contain the following patient information, to the extent known:

(1) name;

(2) place of dwelling;

(3) date of birth or, if not known, approximate age;

(4) sex;

(5) race/ethnicity; and

(6) occupation.

(City Code, 1976/83, art. 11, §§187(a), 188, 206(c), 209(a).) (Ord. 99-548.)

§ 4-103. Inspection of records.

The Commissioner may inspect the records of any person or facility subject to this title to determine compliance with this title.

(City Code, 1976/83, art. 11, §§206(i), 211(f).) (Ord. 99-548.)

SUBTITLE 2
REPORTING DISEASES — IN GENERAL

PART I. BY HEALTH CARE PRACTITIONERS

§ 4-201. Physicians.

(a) *Duty to report.*

Every physician must report to the Commissioner of Health every confirmed or suspected diagnosis of any disease or condition that the Commissioner specifies by rule or regulation for purposes of this section.

(b) *When to report.*

Unless a different time is set by the Commissioner or by State law, the report must be made within 48 hours of the diagnosis.

(c) *Contents of report.*

In addition to the information required by § 4-102 {"Form and contents of reports"} of this title, the report must contain the following information:

(1) the identity of the disease or condition; and

(2) the date of its onset.

(City Code, 1976/83, art. 11, §187(a).) (Ord. 99-548.)

§ 4-202. Health care facilities.

(a) *Reporting officer.*

The chief administrative officer of each hospital, related institution, clinic, pharmacy, or other health care facility must appoint an individual from the facility's full-time staff to serve as the facility's reporting officer.

(b) *Duty to report.*

The reporting officer must report to the Commissioner every confirmed or suspected diagnosis of any disease or condition that the Commissioner specifies by rule or regulation for purposes of this section.

(c) *When to report*.

Except for specified diseases or conditions that the Commissioner or State law requires to be reported on a more timely basis, the report must be made within 48 hours for all patients who have been:

(1) newly admitted to the facility;

(2) admitted to an isolation ward;

(3) treated on an emergency or out-patient basis; or

(4) discharged without having been previously reported.

(d) *Contents of report*.

In addition to the information required by § 4-102 {"Form and contents of reports"} of this title, the report must contain the following information:

(1) the identity of the disease or condition; and

(2) the date of its onset.

(e) *Nature of report.*

The reporting of a disease or condition under this section does not absolve the attending physician of the duty to report the same disease or condition under § 4-201 {"Physicians"} of this subtitle.

(City Code, 1976/83, art. 11, §205(a) - (d), (e)(2nd cl.).) (Ord. 99-548.)

§ 4-203. Laboratories — in general.

(a) *Duty to report.*

The individual in charge of any public or private medical laboratory must report to the Commissioner the result of any test of a specimen from a human body that is microscopic cultural, histological, pathological, immunological, serological, or other confirmed or suspected evidence of any disease or condition that the Commissioner specifies by rule or regulation for purposes of this section.

(b) *When to report.*

(1) Unless a different time is set by the Commissioner or by State law, the report must be made within 48 hours of obtaining the test results.

(2) When more than 1 specimen is taken from the same patient during a single disease episode, the individual in charge of the laboratory need not report every test result that shows evidence of the same disease if:

(i) at least 1 positive test report is reported; and

(ii) the Commissioner approves in writing the reporting of less than all test results.

(c) *Contents of report*.

In addition to the information required by § 4-102 {"Form and contents of reports"} of this title, the report must contain the following information:

(1) the date and type of test performed;

(2) the results of the test;

(3) the name and address of the physician for whom the examination was performed; and

(4) if applicable, an enumeration of colonies of acid-fast bacilli, according to Diagnostic Standards of the American Thoracic Society.

(d) *Test result not final diagnosis*.

The result of a laboratory test:

(1) is not to be considered a final diagnosis; and

(2) does not absolve the attending physician of the duty to report her or his diagnosis of the case under § 4-201 {"Physicians"} of this subtitle.

(City Code, 1976/83, art. 11, §206(a) - (d).) (Ord. 99-548.)

§ 4-204. Laboratories — referral of cultures.

(a) *When referral required.*

The Commissioner may require that cultures containing acid-fast bacilli be referred to the Maryland State Laboratory unless they have been identified in accordance with standards set by the Commissioner.

(b) *Effect of referral.*

The referral of cultures does not:

(1) satisfy the reporting requirements of § 4-203 {"Laboratories — in general"} of this subtitle; or

(2) excuse delay in transmitting a presumptive culture result to the attending physician.

(City Code, 1976/83, art. 11, §206(e).) (Ord. 99-548.)

§§ 4-205 to 4-206. ***{Reserved}***

PART II. BY OTHERS

§ 4-207. Lodging facilities.

(a) *"Lodging facility" defined.*

In this section, "lodging facility" means any:

(1) hotel or motel;

(2) rooming house;

(3) apartment house;

(4) dwelling house; or

(5) public or private institution in which individuals abide temporarily or permanently.

(b) *Duty to report.*

The individual in charge of a lodging facility must report to the Commissioner anyone in the lodging facility who is suffering from any disease or condition that the Commissioner specifies by rule or regulation for purposes of this section.

(c) *When to report.*

Unless a different time is set by the Commissioner or by State law, the report must be made within 24 hours of the individual's being told or otherwise becoming aware of the disease or condition.

(City Code, 1976/83, art. 11, §§188, 189.) (Ord. 99-548.)

§ 4-208. Vessels in harbor.

(a) *Scope of section.*

This section does not apply to a vessel that is in medical isolation.

(b) *Duty to report*.

The master, chief officer, or consignee of a vessel must report to the Commissioner anyone on board who is suspected of suffering from a communicable disease.

(c) *When to report.*

The report must be made immediately on the vessel's coming within ¼ mile of any dock, wharf, or building in the City.

(d) *Contents of report.*

In addition to the information required by § 4-102 {"Form and contents of reports"} of this title, the report must contain the following information:

(1) the name and location of the vessel;

(2) the name of the suspected communicable disease; and

(3) the name and condition of all individuals on board suffering from the disease.

(City Code, 1976/83, art. 11, §190.) (Ord. 99-548.)

SUBTITLE 3
REPORTING DISEASES — TUBERCULOSIS

§ 4-301. Laboratory test results.

(a) *Duty to report.*

If a medical laboratory performs mycobacterial drug susceptibility tests of cultures that are identified as *M. tuberculosis* and that have not been referred to the Maryland Laboratories Administration for this determination, the individual in charge of the laboratory must report the test results to the Commissioner.

(b) *When to report.*

Unless a different time is set by the Commissioner or by State law, the report must be made within 48 hours of obtaining the test results.

(City Code, 1976/83, art. 11, §206(f).) (Ord. 99-548.)

§ 4-302. Drugs suggesting treatment.

(a) *Duty to report.*

The individual in charge of any public or private pharmacy, other than a facility operated by the Department, must report to the Commissioner of Health whenever it dispenses any anti-tuberculosis medication that the Commissioner specifies by rule or regulation for purposes of this section.

(b) *When to report.*

Unless a different time is set by the Commissioner or by State law, the report must be made within 48 hours of having dispensed the medication.

(c) *Contents of report.*

In addition to the information required by § 4-102 {"Form and contents of reports"} of this title, the report must contain the following information:

(1) the type, and strength of medication issued;

(2) the daily dosage;

(3) the dosing schedule;

(4) the total amount prescribed;

(5) the name and address of the physician who issued the prescription; and

(6) the date the medication was dispensed.

(d) *Report not final diagnosis*.

The prescription of medication:

(1) is not to be considered a final diagnosis; and

(2) does not absolve the attending physician of the duty to report her or his diagnosis of the case under § 4-201 {"Physicians"} of this subtitle.

(City Code, 1976/83, art. 11, §211(a) - (c).) (Ord. 99-548.)

§ 4-303. Physician's contact investigation.

(a) *Duty to conduct.*

A physician who treats a patient with tuberculosis must:

(1) thoroughly investigate all individuals who might have been exposed to the patient at home, work, or otherwise; or

(2) request the Commissioner to undertake this investigation.

(b) *Duty to report.*

If the physician undertakes the investigation required by this section, the physician must report the results to the Commissioner.

(c) *Contents of report.*

In addition to any other information that the Commissioner requires, the report must contain:

(1) evidence that an investigation has been thoroughly conducted;

(2) the identity of the source case; and

(3) the following information about each individual tested:

(i) the date and type of test performed;

(ii) the results of the test; and

(iii) the personal information listed in § 4-102 {"Form and contents of reports"} of this title.

(City Code, 1976/83, art. 11, §207(a), (b).) (Ord. 99-548.)

§ 4-304. Patient leaving hospital or institution.

(a) *Duty to notify.*

If a patient with a confirmed or suspected diagnosis of tuberculosis leaves a ward, emergency room, or outpatient department of a hospital or other institution without the consent or against the advice of a physician or other individual in charge, the physician or other individual in charge must notify the Commissioner of the patient's departure.

(b) *When to notify.*

Unless a different time is set by the Commissioner or by State law, the notice must be given within 24 hours of the patient's departure.

(c) *Action by Commissioner.*

The Commissioner may take whatever action is needed to protect the public from that patient. *(City Code, 1976/83, art. 11, §208(a).) (Ord. 99-548.)*

§ 4-305. Discontinued treatment.

(a) *Duty to notify.*

If any patient being treated for tuberculosis discontinues treatment before the period that the Commissioner sets for that treatment, the attending physician must notify the Commissioner of the discontinuance.

(b) *When to notify.*

Unless a different time is set by the Commissioner or by State law, the notice must be given within 24 hours of the discontinuance.

(c) *Action by Commissioner.*

The Commissioner may take whatever action is needed to protect the public from that patient. *(City Code, 1976/83, art. 11, §210(a).) (Ord. 99-548.)*

§ 4-306. Death from tuberculosis.

(a) *Duty to report*.

Every physician or medical examiner must report to the Commissioner if he or she believes that an individual he or she attended or examined has died of tuberculosis.

(b) *When to report.*

Unless a different time is set by the Commissioner or by State law, the report must be made within 48 hours of the death or the discovery of the disease, whichever is later.

(c) *Contents of report.*

In addition to the information required by § 4-102 {"Form and contents of reports"} of this title, the report must contain the place of death.

(City Code, 1976/83, art. 11, §209(a).) (Ord. 99-548.)

SUBTITLE 4
CONTROLLING COMMUNICABLE DISEASES

§ 4-401. "Communicable disease" defined.

In this subtitle, "communicable disease" means any contagious, infectious, or communicable disease or condition that the Commissioner specifies by rule or regulation for purposes of this subtitle.
(Ord. 99-548.)

§ 4-402. Investigations generally.

The Commissioner may investigate any report of a case or suspected case of a communicable disease or communicable disease carrier, to determine the source of infection and the need for restricting movement or isolating affected individuals.
(City Code, 1976/83, art. 11, §213(1st sen.).) (Ord. 99-548.)

§ 4-403. Examinations of individuals.

(a) *Scope of section.*

(1) Except as specified in paragraph (2) of this subsection, this section applies to any individual:

(i) who has or whom the Commissioner of Health suspects on reasonable grounds of having a communicable disease;

(ii) who is or whom the Commissioner suspects on reasonable grounds of being a communicable disease carrier; or

(iii) who is or whom the Commissioner suspects on reasonable grounds of having been in contact with any individual described in item (i) or (ii) of this subsection.

(2) This section may not be applied to interfere with any individual who is a bona fide practicing Christian Scientist and who receives treatment from registered Christian Science practitioners.

(b) *Examination required.*

On request of the Commissioner, any individual described in subsection (a) of this section must, for the purpose of determining if she or he has a communicable disease or is a carrier:

(1) undergo a medical examination; and

(2) submit specimens of body fluids, secretion, excretion, or discharge for laboratory examination.

(c) *By whom made.*

The medical examination may be made by:

(1) the Commissioner or a physician selected by the Commissioner; or

(2) at the option of the individual to be examined, any physician qualified to make this sort of examination.

(d) *Report of physician.*

The examining physician must promptly report the results of the examination to the Commissioner.

(City Code, 1976/83, art. 11, §§213(1st sen.), 214(2nd sen.).) (Ord. 99-548.)

§ 4-404. Action to prevent spread; public notice of disease.

Whenever a communicable disease is found to exist, the Commissioner may:

(1) take all possible action to prevent the disease from spreading; and

(2) give public notice of the disease and of affected places, by all means that the Commissioner believes would be effective, including the posting of affected places.

(City Code, 1976/83, art. 11, §197(1st cl.).) (Ord. 99-548.)

§ 4-405. Vacating premises.

(a) *In general.*

Whenever an infectious agent is discovered in any dwelling or other building that is overcrowded, in a filthy and neglected state, or located in an unhealthy or crowded part of the City, the Commissioner, with the approval of the Mayor, may require the inhabitants of the building to move elsewhere while the City cleans and disinfects the building.

(b) *City to bear expenses.*

All expenses incurred under this section for moving, temporary housing, cleaning, and disinfecting are to be borne by the City.

(City Code, 1976/83, art. 11, §194.) (Ord. 99-548.)

§ 4-406. Medical isolation — in general.

The Commissioner may adopt rules and regulations to require the medical isolation of individuals having a communicable or potentially communicable disease or condition dangerous to the public health.

(City Code, 1976/83, art. 11, §212(1st par.(1st cl.)).) (Ord. 99-548.)

§ 4-407. Medical isolation — court papers to be sealed.

In any court proceeding brought to enforce a medical isolation, all papers filed with the court:

(1) must be sealed; and

(2) may be inspected only by order of the court, on notice to the individual named in those papers and for good cause shown.

(City Code, 1976/83, art. 11, §212(2nd par.).) (Ord. 99-548.)

§§ 4-408 to 4-409. ***{Reserved}***

§ 4-410. Prohibited conduct.

No person may:

(1) refuse, neglect, or otherwise fail to undergo an examination as required by § 4-403{"Examinations of individuals"} of this subtitle;

(2) remove or deface any notice posted under § 4-404 {"Action to prevent spread; public notice of disease"} of this subtitle;

(3) refuse, neglect, or otherwise fail to comply fully with an order for medical isolation issued under authority of § 4-406 {"Medical isolation"} of this subtitle;

(4) needlessly expose others to the risk of a communicable disease, whether by exposure of him- or herself, another person, a dead body, or any infected material; or

(5) otherwise, by reason of non-cooperation or carelessness, endanger the public health.

(City Code, 1976/83, art. 11, §§192(2nd cl.), 197(2nd cl.), 212(1st par.(2nd cl.)), 215.) (Ord. 99-548.)

SUBTITLE 5
IMMUNIZATIONS

PART I. PURPOSE AND NEED

§ 4-501. In general.

Immunizations are a proven preventive measure in reducing the morbidity and mortality associated with childhood communicable diseases. Accordingly, to safeguard the public health and welfare, the City needs to attain and sustain an immunization coverage rate of at least 90% for age-appropriate vaccinations among infants and preschool children residing in the City.
(City Code, 1976/83, art. 11, §215A(a).) (Ord. 99-548.)

§ 4-502. *{Reserved}*

PART II. IMMUNIZATION REQUIRED

§ 4-503. Parental responsibility.

Except as specified in § 4-506 {"Exceptions"} of this subtitle, every parent and guardian must provide for the timely and appropriate immunization of their minor children against all immunization-preventable childhood diseases, as specified by rule or regulation of the Commissioner.
(City Code, 1976/83, art. 11, §199.) (Ord. 99-548.)

§ 4-504. Scope of enforcement.

In enforcing this Part II, each child who is not properly immunized as required is considered a separate offense.
(Ord. 99-548.)

§ 4-505. Rules and regulations.

In adopting rules and regulations under this Part II, the Commissioner must consider the recommendations of the Advisory Committee on Immunization Practices.
(Ord. 99-548.)

§ 4-506. Exceptions.

This Part II does not apply:

(1) to any child whose parent or guardian, in accordance with the rules and regulations of the State Secretary of Health and Mental Hygiene, objects to immunization on the ground that it conflicts with the parent's or guardian's bona fide religious beliefs and practices; or

(2) if, because of a child's medical condition, the administration of an immunizing agent could precipitate a medical emergency.
(Ord. 99-548.)

§§ 4-507 to 4-508. ***{Reserved}***

PART III. PEDIATRIC REGISTRY

§ 4-509. Commissioner to establish registry.

The Commissioner of Health is directed to adopt rules and regulations to implement a registry of immunization history for children residing in the City.
(City Code, 1976/83, art. 11, §215A(b).) (Ord. 99-548.)

§ 4-510. Reports by health care providers.

(a) *Duty to report.*

Each pediatric, family, and general health care provider must report to the Commissioner whenever that provider administers an immunizing agent to any child who is less than 5 years old and resides in the City.

(b) *When to report.*

The report must be made within 14 days after administering the immunizing agent.
(City Code, 1976/83, art. 11, §215B.) (Ord. 99-548.)

§ 4-511. Civil penalties: $1,000.

(a) *Fine.*

Any health care provider who violates any provision of this Part III or of a rule or regulation adopted under it is subject to a civil penalty of not more than $1,000 for each violation.

(b) *Withholding assistance; records audit.*

In addition to imposing a fine, the court may:

(1) issue an order for withholding publicly distributed vaccines or pediatric primary care funding or both vaccines and funding; and

(2) order the Department to conduct a medical records audit of the health care provider, the cost of the audit to be paid by the health care provider.

(c) *Subtitle 9 inapplicable.*

Subtitle 9 {"Penalties"} of this title does not apply to violations of this Part III.
(City Code, 1976/83, art. 11, §215C.) (Ord. 99-548; Ord. 00-020.)

SUBTITLE 6
LEAD POISONING

PART I. SCREENING REQUIRED

§ 4-601. Parental responsibility.

Except as specified in § 4-603 {"Exceptions"} of this subtitle, every parent and guardian must provide for the timely and appropriate testing for lead poisoning of his or her minor children, as specified by the Commissioner's rules and regulations.
(Ord. 00-020.)

§ 4-602. Provider's responsibility.

Except as specified in § 4-603 {"Exceptions"} of this subtitle, every pediatric and primary care health provider must order the timely and appropriate testing for lead poisoning of his or her minor patients, as specified by the Commissioner's rules and regulations.
(Ord. 00-020.)

§ 4-603. Exceptions.

This Part I does not apply to any child whose parent or guardian, in accordance with the rules and regulations of the State Secretary of Health and Mental Hygiene, objects to testing on the ground that it conflicts with the parent's or guardian's bona fide religious beliefs and practices.
(Ord. 00-020.)

§ 4-604. Enforcement.

(a) *Separate offenses.*

In enforcing this Part I, each child who is not properly tested as required is considered a separate violation.

(b) *Civil penalties — Parents and guardians.*

§ 4-601{"Parental responsibility"} of this subtitle may be enforced by issuance of an environmental citation under Article 1, Subtitle 40 {"Environmental Control Board"} of the City Code.

(c) *Civil penalties — Providers.*

Any provider who violates any provision of § 4-602 {"Provider's responsibility"} of this subtitle or of a rule or regulation adopted under it is subject to a civil penalty of not more than $100 for each violation.

(d) *Subtitle 9 inapplicable.*

Subtitle 9 {"Penalties"} of this title does not apply to violations of this Part I.
(Ord. 00-020.)

§ 4-605. *{Reserved}*

PART II. REGISTRY; REPORTS

§ 4-606. Commissioner to establish registry.

The Commissioner of Health is directed to adopt rules and regulations to implement a registry of screening history for children residing in the City.
(Ord. 00-020.)

§ 4-607. Reports by medical laboratories.

(a) *Duty to report.*

Each medical laboratory must report to the Commissioner whenever that laboratory tests for lead poisoning any child who is less than 7 years old and who resides in the City.

(b) *When to report.*

The report must:

(1) be made within 14 days after the test is conducted; and

(2) contain the information that the Commissioner requires, as specified by the Commissioner's rules and regulations.
(Ord. 00-020.)

§ 4-608. Reports by child care facilities.

(a) *"Child care facility" defined.*

(1) In this section, "child care facility" means any facility that:

(i) provides for the care, custody, or control of a minor child; and

(ii) is required to be licensed by or registered with the State for that purpose.

(2) Subject to the criteria contained in paragraph (1) of this subsection, "Child care facility" includes any:

(i) child care center;

(ii) child care home;

(iii) child care institution;

(iv) family day care home;

(v) non-public nursery school; or

(vi) non-public kindergarten.

(b) *Duty to report.*

Each child care facility must report to the Commissioner whenever that facility receives a State Health Inventory or other report that contains information on whether a child who resides in the City has been tested for lead poisoning.

(c) *When to report.*

The report must:

(1) be made within 14 days after the State Health Inventory or other report is received by the facility; and

(2) contain the information that the Commissioner requires, as specified by the Commissioner's rules and regulations.

(Ord. 00-020.)

§ 4-609. Civil penalties: $100.

(a) *Fine.*

Any person who violates any provision of this Part II or of a rule or regulation adopted under it is subject to a civil penalty of not more than $100 for each violation.

(c) *Subtitle 9 inapplicable.*

Subtitle 9 {"Penalties"} of this title does not apply to violations of this Part II.

(Ord. 00-020.)

§ **4-610.** ***{Reserved}***

PART III. PUBLIC SCHOOL WATER FOUNTAINS

§ 4-611. Inspections required.

(a) *In general.*

Every 2 years, the Health Commissioner shall test all activated water fountains at each of 10 randomly-selected public schools.

(b) *Expenses*.

Testing shall be conducted at the expense of the Baltimore City School System.

(Ord. 04-647.)

§ 4-612. Failing fountains.

Any water fountain that fails to meet EPA standards must be taken out of service. *(Ord. 04-647.)*

SUBTITLE 7
BIOLOGICAL TERRORISM REPORTING

§ 4-701. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Suspect Symptoms.*

"Suspect symptoms" means those symptoms that the Commissioner designates by rule or regulation as being indicative of a possible biological terrorist attack.

(Ord. 01-259.)

§ 4-702. In general.

(a) *When reports to be made.*

Unless the Commissioner's rules or regulations specify otherwise, each report required by this subtitle must be made daily for all events occurring within the preceding 24 hours.

(b) *How reports to be made.*

Each report required by this subtitle must be made electronically, by a method and in the form the Commissioner's rules or regulations specify.

(c) *Contents of reports.*

Each report required by this subtitle must contain:

(1) all of the information specified in this subtitle for that report; and

(2) all other information that the Commissioner requires by rule or regulation.

(Ord. 01-259.)

§ 4-703. EMS calls.

(a) *Duty to report.*

The Emergency Medical System of the Baltimore City Fire Department must report to the Commissioner on all calls made to assist individuals who evidence suspect symptoms.

(b) *Contents of report.*

In addition to any other information required by rule or regulation, the report must specify for each reporting period:

(1) the aggregate number of calls subject to the report; and

(2) for each of these calls, the specific suspect symptom or symptoms identified.
(Ord. 01-259.)

§ 4-704. Animal carcasses.

(a) *Duty to report*.

The Department of Public Works and the Health Department's Bureau of Animal Control must report to the Commissioner on animal carcasses that the Commissioner specifies by rule or regulation.

(b) *Contents of report*.

In addition to any other information required by rule or regulation, the report must specify for each reporting period:

(1) the aggregate number of carcasses subject to the report; and

(2) the number of carcasses for each species.
(Ord. 01-259.)

§ 4-705. School absences.

(a) *Duty to report*.

The Baltimore City Public School System must report to the Commissioner on all elementary school absences.

(b) *Contents of report*.

In addition to any other information required by rule or regulation, the report must specify for each reporting period:

(1) the aggregate percentage of absences Citywide; and

(2) the percentage of absences by grade.
(Ord. 01-259.)

§ 4-706. Health Center treatments.

(a) *Duty to report*.

The Baltimore City Community Health Centers must report to the Commissioner on all patients who evidence suspect symptoms.

(b) *Contents of report*.

In addition to any other information required by rule or regulation, the report must specify for each reporting period:

(1) the aggregate number of patients subject to the report; and

(2) for each of these patients, the specific suspect symptom or symptoms identified.

(Ord. 01-259.)

§ 4-707. Emergency department visits.

(a) *Duty to report*.

The reporting officer of each hospital, related institution, clinic, or other health care facility, as appointed under § 4-202 of this title, must report to the Commissioner on all emergency department visits by individuals who evidence suspect symptoms.

(b) *Contents of report*.

In addition to any other information required by rule or regulation, the report must specify for each reporting period:

(1) the aggregate number of patients subject to the report; and

(2) for each of these patients, the specific suspect symptom or symptoms identified.

(Ord. 01-259.)

§ 4-708. Medications.

(a) *Duty to report.*

The individual in charge of any public or private pharmacy must report to the Commissioner on all sales of any over-the-counter medication that the Commissioner designates by rule or regulation as being a medication used for the treatment of suspect symptoms.

(b) *Contents of report*.

In addition to any other information required by rule or regulation, the report must specify, for each medication sold during a reporting period:

(1) the type and strength of that index medication; and

(2) the aggregate number of units sold during the reporting period.

(Ord. 01-259.)

SUBTITLE 8
{RESERVED}

SUBTITLE 9
PENALTIES

§ 4-901. Violation a misdemeanor.

Except as otherwise specified in this title, any person who violates any provision of this title is guilty of a misdemeanor and, on conviction, is subject to the penalties provided in this subtitle.
(Ord. 99-548; Ord. 00-020.)

§ 4-902. Basic penalty: $1,000 and 12 months.

Except as otherwise specified in this title, the penalty for a violation of this title is a fine of not more than $1,000 or imprisonment for not more than 12 months or both fine and imprisonment for each offense.
(City Code, 1976/83, art. 11, §187(b), inter alia.) (Ord. 99-548; Ord. 00-020; Ord. 01-259.)

§ 4-903. Failure to vaccinate: $500.

The penalty for a violation of § 4-503 {"Parental responsibility"} of this title is a fine of not more than $500 for each offense.
(City Code, 1976/83, art. 11, §204(2nd cl.).) (Ord. 99-548; Ord. 00-020.)

TITLE 5
NUISANCE CONTROL

SUBTITLE 1
DEFINITIONS; GENERAL PROVISIONS

§ 5-101. Definitions.

(a) *In general.*

In this title, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *Nuisance.*

"Nuisance" includes any of the following, whether or not otherwise regulated by federal, state, or local law:

(1) garbage, rubbish, or other waste, as these terms are defined in Title 7 {"Waste Control"} of this article;

(2) vermin infestations or other unsanitary conditions;

(3) water or other liquid leaks or spills; or

(4) any other health or safety hazard.
(Ord. 99-548.)

(c) *Person in charge*.

"Person in charge", when used with reference to any property, means all persons who own that property or who have possession, charge, care, or control of that property, whether as a personal representative, trustee, guardian, agent, or otherwise, and whether alone or jointly with any other person.
(City Code, 1976/83, art. 11, §112(1st cl.).) (Ord. 99-548.)

(d) *Property.*

(1) "Property" means all forms of real and personal property and possessions,

(2) "Property" includes lots, structures, streets, wharves, docks, and other places.
(Ord. 99-548.)

§ 5-102. Commissioner's duties.

The Commissioner of Health is responsible for:

(1) inspecting all property in the City, as the Commissioner considers necessary or appropriate to discover nuisances; and

(2) requiring the removal of all nuisances so discovered.

(City Code, 1976/83, art. 11, §§101, 102(1st cl.).) (Ord. 99-548.)

SUBTITLE 2
NUISANCE ABATEMENT — GENERALLY

§ 5-201. Responsibility of persons in charge.

Every person in charge of any property is obligated, jointly and severally with all other persons in charge of that property, to:

(1) remove or abate all nuisances on or originating from the property; and

(2) comply with all health- or safety-related laws that affect the property.

(City Code, 1976/83, art. 11, §112(3rd cl.).) (Ord. 99-548.)

§ 5-202. Notice to persons in charge.

Whenever the Commissioner of Health discovers a condition that the Commissioner considers to be a nuisance or potential nuisance, the Commissioner may issue a written notice to one or more of the following persons or their respective agents:

(1) the person in charge of the property on which the condition exists;

(2) the person in charge of the property from which the condition originates; and

(3) the person in charge of any property that fronts on the street in which the condition exists.

(City Code, 1976/83, art. 11, §§102(2nd cl.), 108(1st cl.(part)).) (Ord. 99-548.)

§ 5-203. Contents of notice.

A notice issued under this subtitle must:

(1) identify the property and the condition;

(2) specify the law being violated;

(3) specify the corrective action to be taken;

(4) state the time within which that action must be taken; and

(5) state that, if corrective action is not timely taken:

(i) the Commissioner may do the needed work; and

(ii) all costs and expenses will be a lien on the property.

(City Code, 1976/83, art. 11, §102(2nd cl.).) (Ord. 99-548.)

§ 5-204. Service of notice.

(a) *In general.*

A notice issued under this subtitle may be served by personal service or by certified mail, return receipt requested.

(b) *Posting or publication.*

If the person to be served cannot be found, the Commissioner may:

(1) post the notice on the property; or

(2) publish the notice in a newspaper of general circulation in the City.

(Ord. 99-548.)

§ 5-205. Abatement by Commissioner.

If the condition is not corrected within the time specified in the notice, the Commissioner may proceed to remove or abate the condition at the expense of the person in charge of the property.

(City Code, 1976/83, art. 11, §§102(3rd cl.), 110(3rd cl.), 114.) (Ord. 99-548.)

§ 5-206. Costs and expenses.

(a) *Person in charge liable*.

The person in charge is liable to the City for all costs and expenses incurred in:

(1) removing or abating the condition identified in the notice; and

(2) posting or publishing notice under § 5-204 {"Service of notice"} of this subtitle.

(b) *Costs and expenses as lien.*

Until paid in full, these costs and expenses are a lien on the entire property from which the condition was removed or abated.

(City Code, 1976/83, art. 11, §§102(4th cl.), 110(3rd cl.), 111.) (Ord. 99-548.)

§ 5-207 to 5-208. *{Reserved}*

§ 5-209. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(Ord. 99-548.)

§ 5-210. Penalties: $1,000.

Any person in charge who refuses, neglects, or otherwise fails to comply with a notice issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $1,000 for each offense.
(City Code, 1976/83, art. 11, §102(5th cl.).) (Ord. 99-548.)

SUBTITLE 3
NUISANCE ABATEMENT — DWELLINGS

§ 5-301. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *Dwelling.*

(1) "Dwelling" has the meaning stated in § 202.2.1 of the Baltimore City Building Code.

(2) "Dwelling" includes any dwelling unit or rooming unit.
(Ord. 99-548; Ord. 02-475; Ord. 07-552; Ord. 13-093.)

(c) *Dwelling unit.*

"Dwelling unit" has the meaning stated in § 202.2 of the Baltimore City Building Code.
(City Code, 1976/83, art. 11, §105(f).) (Ord. 99-548; Ord. 13-093.)

(d) *Rooming unit*

"Rooming unit" has the meaning stated in § 202 of the Baltimore City Property Maintenance Code.
(Ord. 99-548; Ord. 02-475; Ord. 13-093.)

§ 5-302. Scope of subtitle.

This subtitle applies only to dwellings and does not in any way modify or affect the authority of the Commissioner of Health to enter and inspect any building, structure, or premises other than a dwelling.
(City Code, 1976/83, art. 11, §105(e).) (Ord. 99-548.)

§ 5-303. Enforcement of Maintenance Code.

The Commissioner may:

(1) enforce all provisions of the Baltimore City Property Maintenance Code; and

(2) issue violation notices and orders under that Code to:

(i) abate, remove, or otherwise deal with nuisances and emergencies affecting the public health; and

(ii) maintain and augment public health programs, such as rodent control, lead paint poisoning prevention, environmental sanitation, and housing hygiene.
(City Code, 1976/83, art. 11, §104(1st cl.).) (Ord. 99-548; Ord. 02-475; Ord. 13-093.)

§ 5-304. Right of entry.

(a) *In general.*

Whenever the Commissioner has reason to believe that a nuisance exists in any dwelling, the Commissioner has the same authority to enter and inspect that dwelling as does the Commissioner of Housing and Community Development.

(b) *Procedures.*

The entry and inspection of a dwelling must comply with the requirements of § 2-107 {"Right of entry"} of this article.

(City Code, 1976/83, art. 11, §105(a).) (Ord. 99-548.)

§ 5-305. Inspector's testimony.

(a) *"Related law" defined.*

In this section, "related law" has the meaning stated in § 104.6.2 {"Authority to seek warrant"} of the Baltimore City Building Code.

(b) *Limit on testimony.*

No inspector who gains entrance to a dwelling for the purpose of investigating a nuisance may obtain or furnish evidence of, or testify to, any offense other than:

(1) a violation of this article or of any related law;

(2) a felony; or

(3) a misdemeanor involving an act of violence that is committed in the inspector's presence.

(City Code, 1976/83, art. 11, §105(d)(1st sen.).) (Ord. 99-548; Ord. 02-475; Ord. 13-093.)

§ 5-306. ***{Repealed by Ord. 02-475.}***

SUBTITLE 4
LEAD-BASED PAINT

§ 5-401. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *Lead-based paint.*

"Lead-based paint" has the meaning stated in § 6-801(j) of the State Environment Article.
(City Code, 1976/83, art. 11, §72(part).) (Ord. 99-548.)

§ 5-402. Warning label required.

No person may possess, offer for sale, sell, or give away in the City any lead-based paint unless it bears the following or substantially equivalent warning:

> "WARNING — Contains Lead. Harmful if Eaten. Do not apply on any interior surfaces of a dwelling, or of a place used for the care of children, or on window sills, toys, cribs, or other furniture."

(City Code, 1976/83, art. 11, §72.) (Ord. 99-548.)

§ 5-403. Placement.

The warning required by this subtitle must:

(1) appear in a conspicuous place on the paint's immediate container;

(2) form an integral part of the printed label on that container; and

(3) be printed in letters that are legible and that conspicuously contrast with any other printing on the container.

(City Code, 1976/83, art. 11, §§73, 74(2nd sen.).) (Ord. 99-548.)

§ 5-404. Labels not to indicate interior use.

No label on a container of lead-based paint may indicate in any way that the product is suitable for interior surfaces of dwellings or for interior surfaces of any places used for the care of children.
(City Code, 1976/83, art. 11, §75.) (Ord. 99-548.)

§§ 5-405 to 5-406. *{Reserved}*

§ 5-407. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548.)

§ 5-408. Penalties: $1,000.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $1,000 for each offense.

(City Code, 1976/83, art. 11, §77.) (Ord. 99-548.)

SUBTITLE 5
BODILY WASTES

§ 5-501. Spitting in public places.

No person may spit on:

(1) any footpath or sidewalk of any public street or public square;

(2) the floor or anywhere else in any public building under the control of the Mayor and City Council of Baltimore;

(3) the floor, platform, or steps of any railroad, bus, or other common carrier or of any depot or station;

(4) the floor or steps of any theater, store, factory, or other building that is used in common by the public;

(5) the floor of any hall or office used in common by the guests of a hotel or lodging house.

(City Code, 1976/83, art. 11, §138.) (Ord. 99-548.)

§ 5-502. *{Reserved}*

§ 5-503. Urinating or defecating in public places — in general.

No person may urinate or defecate on or about:

(1) any public place, way, or park; or

(2) the mall or adjacent parking area of any shopping center.

(City Code, 1976/83, art. 19, §171A(a)(1st cl.).) (Ord. 99-548.)

§ 5-504. Urinating or defecating in public places — parents or guardians of minors.

A parent or guardian may not knowingly permit a minor for whom the parent or guardian is responsible to violate § 5-503 {"Urinating or defecating in public places — in general"} of this subtitle.

(City Code, 1976/83, art. 19, §171A(b)(3)(i).) (Ord. 99-548.)

§§ 5-505 to 5-506. *{Reserved}*

§ 5-507. Minors urinating or defecating in public.

(a) *Order to stop.*

A police officer who finds any minor violating § 5-503 {"Urinating or defecating in public places — in general"} of this subtitle must order the minor to stop the violation.

(b) *Failure to comply.*

(1) If the minor fails to comply with the order, the police officer may take him or her into custody.

(2) After the information needed to carry out the purposes of this subtitle has been recorded, the minor must be:

(i) promptly released to his or her parent or guardian, with written notice to the parent or guardian of the violation; and

(ii) referred to the Baltimore City Police Department's court sanctioned pre-intake adjustment program.

(City Code, 1976/83, art. 19, §171A(b)(1), (2).) (Ord. 99-548.)

§ 5-508. ***{Reserved}***

§ 5-509. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548; Ord. 03-595.)

§ 5-510. Penalties: Varied.

(a) *Spitting: $25/ $50.*

Any person who violates any provision of § 5-501 {"Spitting in public places"} of this subtitle is guilty of a misdemeanor and, on conviction, is subject to:

(1) for a first offense, a fine of not more than $25; and

(2) for a second and any subsequent offense, a fine of not more than $50.

(b) *Urinating or defecating — adult offenders: $500 and 30 days.*

Any adult who violates § 5-503 {"Urinating or defecating in public places — in general"} of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $1,000 or to imprisonment for not more than 30 days or to both fine and imprisonment for each offense.

(c) *Urinating or defecating — parent or guardian of minor: $200.*

Any parent or guardian who violates § 5-504 {"Urinating or defecating in public places — parents or guardians of minors"} of this subtitle within 12 months after receiving written notice of the minor's having violated § 5-504 {"Urinating or defecating in public places — in general"} of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $200 for each offense.

(City Code, 1976/83, art. 11, §140, art. 19, §171A(b)(3)(ii), (5).) (Ord. 99-548; Ord. 10-340.)

SUBTITLE 6
MOSQUITOES

§ 5-601. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *Collection of water.*

(1) "Collection of water" means any collection of standing or running water.

(2) "Collection of water" includes water contained in any ditch, roof or other gutter, pond, pool, excavation, depression, fountain, tank, well, barrel, tire, urn, can, box, bottle, tub, bucket, or other similar container.
(City Code, 1976/83, art. 11, §94.) (Ord. 99-548.)

§ 5-602. Purpose of subtitle.

The purpose of this subtitle is to get rid of the discomfort, annoyance, and health hazards that are caused by mosquitoes.
(City Code, 1976/83, art. 11, §93(1st cl.).) (Ord. 99-548.)

§ 5-603. Responsibility of persons in charge.

Every person in charge of any property is obligated, jointly and severally, to comply with the requirements of this subtitle.
(City Code, 1976/83, art. 11, §93(2nd par.(2nd cl.)).) (Ord. 99-548.)

§ 5-604. Collections prohibited unless treated.

No person in charge may keep or permit to be kept any collection of water in which mosquitoes are likely to breed, unless the collection of water is treated to effectively prevent breeding.
(City Code, 1976/83, art. 11, §93(3rd par.).) (Ord. 99-548.)

§ 5-605. Methods of treatment.

The method for treating a collection of water to prevent mosquitoes from breeding must be one or more of the following:

(1) emptying all water at least once every 5 days;

(2) using a larvicide approved by and applied in accordance with the requirements of the United States Environmental Protection Agency;

(3) cleaning and keeping the water free of vegetable growth and other obstructions and stocking with mosquito-destroying fish (the absence of half-grown or larger mosquito larvae to be evidence of having complied with this method);

(4) filling or draining to the satisfaction of the Commissioner of Health;

(5) removing, at least once every 5 days, all tin cans, tin boxes, broken or empty bottles, and similar articles likely to hold water;

(6) screening with wire netting of at least 16 meshes to the inch each way;

(7) screening with any other material that will prevent the ingress or egress of mosquitoes; or

(8) any other method that the Commissioner approves.

(City Code, 1976/83, art. 11, §95.) (Ord. 99-548.)

§ 5-606. Prima facie evidence of breeding.

(a) *In general.*

The natural presence of mosquito larvae in standing or running water is evidence that mosquitoes are breeding there.

(b) *Required action.*

Within 5 days of notice from the Commissioner, the person in charge of the premises must act to prevent further breeding.

(City Code, 1976/83, art. 11, §96.) (Ord. 99-548.)

§ 5-607. Notice to person in charge.

Whenever the Commissioner discovers a condition that could give rise to the breeding of mosquitoes, the Commissioner must issue a written notice to the person in charge, as provided in Subtitle 2 {"Nuisance Abatement — Generally"} of this title.

(City Code, 1976/83, art. 11, §97(part).) (Ord. 99-548.)

§ 5-608. Abatement by Commissioner.

(a) *In general.*

If the condition is not corrected within 10 days of the notice, the Commissioner may proceed to correct the condition at the expense of the person in charge.

(b) *Costs and expenses.*

All costs and expenses incurred by the Commissioner are a lien on the property as provided in Subtitle 2 {"Nuisance Abatement — Generally"} of this title.

(City Code, 1976/83, art. 11, §97.) (Ord. 99-548.)

§§ 5-609 to 5-610. ***{Reserved}***

§ 5-611. Penalties: $500.

(a) *In general.*

Any person who refuses, neglects, or otherwise fails to comply with a notice issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $500 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

(City Code, 1976/83, art. 11, §§98(2nd, 3rd cls.), 100.) (Ord. 99-548.)

SUBTITLE 7
WEEDS

§ 5-701. Responsibility of persons in charge.

Every person in charge of any property is obligated, jointly and severally, to comply with the requirements of this subtitle.
(Ord. 99-548.)

§ 5-702. Cutting grass, weeds, etc., required.

No person in charge of any land may allow any grass, weeds, or other rank vegetation on that land to reach a height of 8 inches or more.
(City Code, 1976/83, art. 11, §161(1st cl.).) (Ord. 99-548.)

§ 5-703. Destroying noxious weeds, etc., required.

(a) *In general.*

Every person in charge of any land must keep that land free from ragweeds, wild mustard, wild lettuce, wild parsley, common thistle, milkweed, poison ivy, and all other noxious weeds.

(b) *Permitted methods.*

The person in charge must destroy any noxious weeds on the land by:

(1) spraying with a chemical compound approved by and applied in accordance with the requirements of the United States Environmental Protection Agency;

(2) cutting and removal;

(3) digging under; or

(4) any other method that the Commissioner approves.
(City Code, 1976/83, art. 11, §161(2nd cl.).) (Ord. 99-548.)

§ 5-704. Notice to person in charge.

Whenever the Commissioner of Health discovers a violation of this subtitle, the Commissioner may issue a written notice to the person in charge, as provided in Subtitle 2 {"Nuisance Abatement — Generally"} of this title.
(City Code, 1976/83, art. 11, §§162(1st sen.), 163.) (Ord. 99-548.)

§ 5-705. Abatement by Public Works.

(a) *In general.*

(1) If the condition is not corrected within 10 days of the notice, the Commissioner may notify the Director of Public Works, who must proceed to correct the condition at the expense of the person in charge.

(2) Grass, weeds, and other rank vegetation must be cut to a height of not more than 3 inches.

(b) *Costs and expenses.*

All costs and expenses incurred by the Director of Public Works are a lien on the property as provided in Subtitle 2 {"Nuisance Abatement — Generally"} of this title.
(City Code, 1976/83, art. 11, §162(2nd sen.).) (Ord. 99-548.)

§§ 5-706 to 5-707. ***{Reserved}***

§ 5-708. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(Ord. 99-548.)

§ 5-709. Penalties.

(a) *In general.*

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in this section.

(b) *Basic penalty: $500.*

Except as specified in subsection (c) of this section, the penalty for a violation is a fine of not more than $500 for each offense.

(c) *Violation after notice: $1,000.*

For a person who receives a notice under §5-704 {"Notice to person in charge"} of this subtitle and fails to comply with that notice, the penalty is a fine of not more than $1,000 for each offense.

(City Code, 1976/83, art. 11, §161(2nd par.).) (Ord. 99-548.)

SUBTITLE 8
{RESERVED}

SUBTITLE 9
MISCELLANEOUS REQUIREMENTS

§ 5-901. Cleaning sidewalks and gutters.

The person in charge of any premises or lot must keep the sidewalk and gutters bounding on the premises or lot open and free from waste or obstructions and clean at all times.
(City Code, 1976/83, art. 11, §118, art. 19, §175.) (Ord. 99-548.)

§ 5-902. Keeping offensive materials on property.

(a) *In general.*

No person may use or keep on that person's property any liquid or solid matter that is or that, after exposure to the atmosphere or otherwise, is likely to become offensive or otherwise a nuisance.

(b) *Illustrations.*

This section applies to, among other things, any:

(1) blood;

(2) refuse coal oil;

(3) dead animal or part of an animal;

(4) domestic or sanitary sewage;

(5) excrement;

(6) filth;

(7) foul or nauseous liquid;

(8) garbage;

(9) slaughter house or other trade cleanings;

(10) stagnant water; or

(11) other offensive matter of any kind.
(City Code, 1976/83, art. 11, §§119, 120, 123, 125.) (Ord. 99-548.)

§ 5-903. Livestock.

Every person who keeps a cow, horse, or other livestock in the City must keep the animal and its stable or other housing in such a way that no filth or stench becomes offensive to or annoys any neighbor or other person.
(City Code, 1976/83, art. 11, §122.) (Ord. 99-548.)

§ 5-904. Deposit on streets, etc. prohibited.

No person may place or cause or allow to be placed on any street any noxious or objectionable matter that from its acid content or otherwise might be injurious or harmful to any person or to the clothing, household furnishings, or personal effects of any person.
(City Code, 1976/83, art. 11, §121(1st sen.).) (Ord. 99-548.)

§ 5-905. Plastic bags.

(a) *"Plastic bag" defined.*

"Plastic bag" means any bag that is:

(1) intended for household use or for packaging garments or other articles intended for household use;

(2) larger than 6 inches in diameter at the open end; and

(3) made of film less than 1 mil (0.001 inch) thick.

(b) *Printed warning required.*

No person may package, deliver, or sell in a plastic bag any article for use in or around the household or sell or distribute any plastic bag for use in or around the household unless the bag bears a warning as required by this section.

(c) *Text of warning.*

The warning must warn the consumer against the hazard of suffocation by children in the following or substantially equivalent wording:

> "WARNING: To avoid danger of suffocation, keep away from babies and children. Do not use in cribs, beds, carriages, or playpens. This bag is not a toy."

(d) *Placement and size.*

(1) The warning must be printed on, attached to, or accompany each plastic bag or each package of plastic bags delivered to the consumer.

(2) The warning must be prominently and conspicuously displayed in bold face type, in accordance with the following table:

Combined length and width of bag	*Minimum Size of Lettering*
Less than 30 inches	10 points
30 inches or more, but less than 40 inches	14 points
40 inches or more, but less than 60 inches	18 points
60 inches or more	24 points

(City Code, 1976/83, art. 19, §118.) (Ord. 99-548.)

§ 5-906. Abandoned refrigerators, etc.

No person may place or permit anyone else to place in any location that is outside of a dwelling or other building and accessible to children any abandoned, unattended, or uncrated ice box, refrigerator, or freezer cabinet equipped with a door or lock that cannot be opened from the inside.

(City Code, 1976/83, art. 19, §33(1st sen.).) (Ord. 99-548.)

§§ 5-907 to 5-909. *{Reserved}*

§ 5-910. Penalties.

(a) *In general.*

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in this section.

(b) *Basic penalty:$500.*

Except as otherwise specified in this section, the penalty for a violation is a fine of not more than $500 for each offense.

(c) *Violation after notice: $1,000.*

For a person who receives a notice under Subtitle 2 of this title to correct a violation of any provision of this subtitle and fails to comply with that notice, the penalty is a fine of not more than $1,000 for each offense.

(d) *Abandoned refrigerators: $500 and 30 days.*

(1) For a person who violates any provision of § 5-906 {"Abandoned refrigerators, etc."} of this subtitle, the penalty is a fine of not more than $500 or imprisonment for not more than 30 days or both fine and imprisonment for each offense.

(2) Each day that a violation of § 5-906 continues is a separate offense.

(City Code, 1976/83, art. 19, §33(2nd, 3rd sens.).) (Ord. 99-548.)

TITLE 6
FOOD SERVICE FACILITIES

SUBTITLE 1
DEFINITIONS; GENERAL PROVISIONS

§ 6-101. Definitions.

(a) *In general.*

In this title, the following terms have the meanings indicated.
(City Code, 1976/83, art. 11, §165(a)(intro.).) (Ord. 99-548.)

(b) *Food.*

(1) *In general.*

"Food" means any natural or artificial substance or ingredient, whether raw, cooked, or processed, that is used or sold or intended for use or sale, in whole or in part, for human consumption.

(2) *Inclusions.*

"Food" includes:

(i) ice;

(ii) beverages; and

(iii) chewing gum or any substance used as a component of chewing gum.

(3) *Exclusions.*

"Food" does not include any:

(i) alcoholic beverage, as defined in State Code Article 2B, § 1-102(a)(2); or

(ii) drug, as defined in § 21-101(g) of the State Health-General Article.
(City Code, 1976/83, art. 11, §§64(1st, 2nd cls.), 165(a)1.) (Ord. 99-548.)

(c) *Food service facility.*

(1) *In general.*

"Food service facility" means any place in which, with or without charge:

(i) food is prepared for sale or service on the premises or elsewhere; or

(ii) food is manufactured, processed, stored, packaged, handled, distributed, or sold.

(2) *Exclusions.*

"Food service facility" does not include any private residence in which food is prepared for consumption, without charge, by residents and their guests.
(City Code, 1976/83, art. 11, §165(a)2.) (Ord. 99-548.)

(d) *Food service manager.*

"Food service manager" means an individual designated by a food service facility to exercise operational supervision of the facility.
(City Code, 1976/83, art. 11, §165(a)2b.) (Ord. 99-548.)

(e) *License.*

"License" means a license issued under this title to operate a food service facility.
(City Code, 1976/83, art. 11, §165(a)3.) (Ord. 99-548.)

(f) *Person***.**

"Person" includes, except as used in § 6-802 {"Penalties"} of this title, a governmental entity or an instrumentality or unit of a governmental entity.
(City Code, 1976/83, art. 11, §165(a)4.) (Ord. 99-548.)

§ 6-102. Commissioner's duties.

The Commissioner of Health is responsible for:

(1) inspecting and regulating the preparation, manufacture, processing, storage, packaging, handling, distribution, and sale of milk, meat, fruits, vegetables, fish, and other food;

(2) obtaining food samples and testing their qualities by chemical or microscopical examination; and

(3) generally enforcing this title and any applicable State regulations.
(City Code, 1976/83, art. 11, §61(1st sen.)) (Ord. 99-548.)

§ 6-103. Rules and regulations.

In the rules and regulations adopted under § 2-106 {"Rules and regulations"} of this article, the Commissioner, consistent with this title and State law:

(1) must designate the classes of licenses to be issued for various types of food service facilities; and

(2) may include provisions that govern the construction, design, operation, and maintenance of food service facilities.
(City Code, 1976/83, art. 11, §61(2nd sen.).) (Ord. 99-548; Ord. 06-185.)

§ 6-104. Inspections; samples.

(a) *Inspections.*

The Commissioner, all other officers of the Department, and any inspector or police officer authorized by the Commissioner may, at all reasonable hours, enter, have full access to, and inspect:

(1) any structure, premises, or vehicle in which food is or is believed to be prepared, manufactured, processed, stored, packaged, handled, or distributed; and

(2) any railroad car, truck, wagon, or other vehicle that is or is believed to be used for the conveyance or delivery of food.

(b) *Samples.*

During any inspection, the Commissioner, officer, inspector, or police officer may take food samples of up to 1 pound of each item for inspection, testing, or analysis.

(City Code, 1976/83, art. 11, §§63, 165(j).) (Ord. 99-548.)

§ 6-105. Confiscation of food.

(a) *In general.*

The Commissioner may condemn, confiscate, and either destroy or denature any food that:

(1) fails to comply with any requirement of this title; or

(2) is possessed by any person who is violating any provision of this title.

(b) *Prohibited conduct.*

No person may hide, remove, or assist in hiding or removing any food that has been condemned by the Commissioner.

(c) *Scope of section.*

Nothing in this section imposes on the Commissioner the duty or expense of confiscating any food condemned by the Commissioner.

(City Code, 1976/83, art. 11, §§60, 65(2nd cl.).) (Ord. 99-548.)

SUBTITLE 2
LICENSE REQUIRED

§ 6-201. In general.

(a) *Operation without license prohibited.*

No person may operate a food service facility without a license to do so from the Commissioner of Health.

(b) *License not transferable.*

A license may not be transferred from place to place or person to person.
(City Code, 1976/83, art. 11, §165(b)(1)(1st sen.).) (Ord. 99-548; Ord. 06-185.)

§ 6-202. Applications.

(a) *In general.*

An applicant for a license must:

(1) submit an application on the form that the Commissioner provides; and

(2) pay the applicable processing fees.

(b) *Contents.*

In addition to any other information that the Commissioner requires, the application must contain building and installation plans and specifications.
(City Code, 1976/83, art. 11, §165(c)(1st, 2nd, 4th(part) sens.).) (Ord. 99-548.)

§ 6-203. Inspection and priority assessment of facility.

(a) *Inspection.*

On receipt of an application, the Commissioner must inspect the food service facility to determine compliance with all applicable laws, rules, and regulations.

(b) *Priority assessment.*

To determine the degree of risk that a food service facility poses for a food-borne disease occurrence, the Commissioner must assess each food service facility and classify it in one of the following priority assessment categories, as defined in COMAR 10.15.03.17:

(1) high priority facilities, which are at high risk for a food-borne disease occurrence;

(2) moderate priority facilities, which are at moderate risk for a food-borne disease occurrence; and

(3) low priority facilities, which are at low risk for a food-borne disease occurrence.
(City Code, 1976/83, art. 11, §165(a)5, (c)(3rd sen.).) (Ord. 99-548.)

§ 6-204. Issuance of license.

The Commissioner must issue a license to the applicant if:

(1) the requirements of all applicable laws, rules, and regulations have been met; and

(2) the applicant pays the applicable annual fee.
(City Code, 1976/83, art. 11, §165(c)(4th sen.).) (Ord. 99-548.)

§ 6-205. Scope of license.

While a license is in effect, it authorizes the operation of the food service facility in accordance with the approved plans and specifications.
(City Code, 1976/83, art. 11, §165(b)(1)(2nd sen.(last cl.)).) (Ord. 99-548; Ord. 06-185.)

§ 6-206. Material alterations.

(a) *Permit required.*

No person may materially alter a food service facility (e.g., install new or additional equipment, make structural changes, or change the type of operation) without a permit to do so from the Commissioner.

(b) *Application.*

The application for a permit under this section must be:

(1) submitted on the form that the Commissioner provides;

(2) contain the information that the Commissioner requires; and

(3) be accompanied by the applicable permit fee.
(City Code, 1976/83, art. 11, §165(c)(parts).) (Ord. 99-548.)

§ 6-207. Term and renewal of license.

(a) *Term of license.*

Unless sooner suspended or revoked, a license expires on the 1st anniversary of its effective date.

(b) *Application for renewal.*

Before a license expires, the licensee periodically may renew it for an additional 1-year term, if the license holder:

(1) otherwise is entitled to a license;

(2) submits a renewal application to the Commissioner, on the form that the Commissioner provides; and

(3) pays the applicable annual fee.

(City Code, 1976/83, art. 11, §165(b)(1)(2nd sen.(1st cl.)), (d)(5)(part).) (Ord. 99-548.)

§ 6-208. Provisional licenses.

(a) *In general.*

If a licensed food service facility is sold or otherwise transferred to a new owner, the new owner may apply for a short-term, provisional license to permit the continued operation of the facility pending the Commissioner's inspection of the facility.

(b) *Term and renewal.*

Unless sooner suspended or revoked:

(1) the term of a provisional license is 60 days; and

(2) the license may be renewed for one additional 60-day term.

(Ord. 06-185.)

SUBTITLE 3
FOOD SERVICE MANAGERS

§ 6-301. Certain facilities to employ manager.

Each high priority or moderate priority food service facility must employ a food service manager.
(City Code, 1976/83, art. 11, §165(a)2b(part).) (Ord. 99-548.)

§ 6-302. Managers to be certified.

A food service manager who is employed by a high priority or moderate priority food service facility must, within 90 days of becoming employed by the facility, be certified by the Commissioner of Health in accordance with this subtitle.
(City Code, 1976/83, art. 11, §165(b)(2), (b-1)(1).) (Ord. 99-548.)

§ 6-303. Certification requirements.

(a) *Commissioner to adopt.*

The Commissioner must adopt rules and regulations for:

(1) the certification and recertification of food service managers; and

(2) the denial, suspension, and revocation of certifications.

(b) *Required provisions.*

These rules and regulations must include:

(1) minimum requirements for instruction and examination in food-borne disease prevention, sanitation, hygiene, and food service management; and

(2) reciprocity provisions for certifications granted by a political subdivision of this State that has established a food service manager certification program approved by the Commissioner.
(City Code, 1976/83, art. 11, §165(b-1)(2), (3).) (Ord. 99-548.)

§ 6-304. Issuance to individuals only.

A food service manager certificate may only be issued in the name of an individual.
(City Code, 1976/83, art. 11, §165(b-1)(6)(1st cl.).) (Ord. 99-548.)

§ 6-305. Term.

Unless sooner suspended or revoked, a food service manager certificate expires on the 3rd anniversary of its effective date.
(City Code, 1976/83, art. 11, §165(b-1)(6)(2nd cl.).) (Ord. 99-548.)

§ 6-306. Instructors to be certified.

Instructors of food service managers must be certified in the same manner as food service managers. *(City Code, 1976/83, art. 11, §165(b-1)(4).) (Ord. 99-548.)*

SUBTITLE 4
FEES

§ 6-401. *{Repealed}*

§ 6-402. Processing fees.

(a) *Application fee.*

When applying for a license to operate a food service facility or applying for a permit to undertake material alterations, the applicant must pay an application fee to help defray the cost of processing the plans and specifications and of undertaking an initial inspection.

(b) *Reinspection fee.*

The applicant must pay an additional fee for each reinspection needed before the license or permit can be approved.

(c) *Fee amounts*.

The amount of these fees are as set from time to time by the Commissioner, with the approval of the City Council.

(City Code, 1976/83, art. 11, §165(d)(4).) (Ord. 99-548; Ord. 06-185.)

§ 6-403. Annual license fees.

Subject to § 6-404 {"Reduced fee for certain tax exempt entities"} and § 6-405 {"Waived fee for certain day care centers"} of this subtitle, the annual license fee for each class of food service facility is as set from time to time by the Commissioner, with the approval of the City Council.

(City Code, 1976/83, art. 11, §165(a)12(2nd sen.), (d)(1).) (Ord. 99-548; Ord. 00-033; Ord. 06-185.)

§ 6-404. Reduced fee for certain tax exempt entities.

(a) *Scope of section.*

This section applies to an entity described in subsection (b) of this section only as long as that entity maintains tax exempt status under § 501(c)(3) of the Internal Revenue Code.

(b) *Maximum fee.*

For the following tax exempt entities, the annual license fee may not exceed $50:

(1) any charitable food facility that provide meals to low-income individuals for no charge, such as soup kitchens, soup pantries, or shelter homes;

(2) any youth organization whose membership is composed of minors and that operates temporary facilities for the purpose of raising funds to support the organization; and

(3) any child group day care center that is licensed to provide care and supervision to school age and preschool age children.

(City Code, 1976/83, art. 11, §165(a)8 - 11, (d)(2).) (Ord. 99-548; Ord. 06-185.)

§ 6-405. Waived fee for certain day care centers.

As long as the Maryland Department of Human Resources continues to contract with the City Department of Health for 2 or more environmental sanitarians to inspect and monitor child group day care centers in the City, the annual license fee for those centers is waived.

(City Code, 1976/83, art. 11, §165(d)(3).) (Ord. 99-548.)

§ 6-406. Late fees.

(a) *In general*.

Any licensee who is required to pay a license fee and who fails to renew the license within 5 days of its expiration must pay an additional late fee for each day after the expiration date that the license remains unrenewed.

(b) *Amount*.

The amount of the late fee is as set from time to time by the Commissioner, with the approval of the City Council.

(City Code, 1976/83, art. 11, §165(d)(5).) (Ord. 99-548; Ord. 00-033; Ord. 06-185; 06-247.)

§ 6-407. Manager certification fees.

Fees imposed for certification of food service managers are as set by the Commissioner.

(City Code, 1976/83, art. 11, §165(b-1)(5).) (Ord. 99-548.)

§ 6-408. Use of fee proceeds.

(a) *In general.*

(1) The Commissioner must promptly account for and pay to the Director of Finance all fees received under this subtitle.

(2) The Director of Finance must credit these fees to a special fund entitled "Food Service Facilities", to be used:

(i) to cover the cost of licensing, inspecting, and regulating food service facilities; and

(ii) to help defray the cost of environmental health inspection programs that affect food service facilities.

(b) *Accounting to Council.*

The Director of Finance must submit a quarterly accounting of this fund to the Chair of the Budget and Appropriations Committee of the City Council.

(City Code, 1976/83, art. 11, §165(d)(6), (7).) (Ord. 99-548.)

SUBTITLE 5
MISCELLANEOUS REGULATIONS

§ 6-501. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *Adulterated food.*

"Adulterated food" means any food that:

(1) has been prepared, manufactured, processed, stored, packaged, handled, distributed, or sold under insanitary conditions that reasonably could be expected to have contaminated it;

(2) is considered to be adulterated within the meaning of the Maryland Food, Drug, and Cosmetic Act; or

(3) otherwise violates the requirements of the Maryland Food, Drug, and Cosmetic Act.
(City Code, 1976/83, art. 11, §64(part).) (Ord. 99-548.)

(c) *Unwholesome food.*

"Unwholesome food" means any food that:

(1) has absorbed or mixed with deleterious gases, liquids, or solids;

(2) is decomposed, rotten, tainted, or otherwise impure; or

(3) is otherwise in any way:

(i) deleterious to health;

(ii) liable to introduce, cause, or increase sickness; or

(iii) liable to impair or upset functions of the human body.
(City Code, 1976/83, art. 11, §64(part).) (Ord. 99-548.)

§ 6-502. Compliance with health laws required.

Each food service facility must comply with all applicable health laws, rules, and regulations of the federal government, the State of Maryland, and the City of Baltimore.
(City Code, 1976/83, art. 11, §165(e).) (Ord. 99-548.)

§ 6-503. Disguising adulterated, etc., food prohibited.

No food service facility may use any acid, drug, chemical, coloring, or other substance to disguise any adulterated or unwholesome food.
(City Code, 1976/83, art. 11, §§58(1st sen.), 59(last cl.).) (Ord. 99-548.)

§ 6-504. Possession, etc., of adulterated, etc., food prohibited.

No food service facility may sell, offer for sale, transport, or have on its premises, in any vehicle, or on the premises of any other person any adulterated or unwholesome food.
(City Code, 1976/83, art. 11, §59(last cl.).) (Ord. 99-548.)

§ 6-505. Frozen food regulations.

(a) *Definitions.*

(1) *In general*.

In this section, the following terms have the meanings indicated.

(2) *Defrost.*

"Defrost" means to allow any frozen food to thaw so that it is not readily recognizable as frozen food.

(3) *Frozen food.*

"Frozen food" means any food that has been kept at or below 0º F.

(b) *Representing defrosted food as fresh prohibited.*

No food service facility may represent or advertise as fresh any frozen food that has been allowed to defrost.

(c) *Selling certain defrosted food prohibited.*

No food service facility may sell or offer for sale any food designed to be sold frozen (such as "TV dinners", packaged fruits, and frozen desserts) if it has been allowed to defrost.

(d) *Certain defrosted food to be labeled.*

No food service facility may sell or offer for sale any meat, fish, seafood, or poultry that, in whole or in part, has been frozen and then allowed to defrost unless a notice stating "this product has been frozen and thawed" is:

(1) conspicuously displayed on a sign; and

(2) attached to each package or item of meat, fish, seafood, or poultry.
(City Code, 1976/83, art. 11, §67.) (Ord. 99-548; Ord. 04-672.)

§ 6-505.1. Dated food products.

(a) *Definitions.*

(1) *In general.*

In this section, the following terms have the meanings indicated.

(2) *Dated food.*

"Dated food" means any food that contains an expiration date on its label or packaging.

(3) *Expiration date.*

"Expiration date" means:

(1) any date designated as an "expires on" date, "sell by" date, "pull by" date, "use by" date, or "best if used by" date; or

(2) any similar time guide for the sale or use of a food product by food service facilities or consumers.

(b) *Notice after expiration date.*

(1) No food service facility may sell or offer for sale any dated food after its expiration date unless that food is:

(i) segregated from its non-expired food counterpart; and

(ii) accompanied by a conspicuous notice that states: "This Food is Being Sold Past Its Expiration Date".

(2) The notice required by this subsection must be:

(i) on a sign at least 11" by 14"; and

(ii) printed in letters at least 1" high.

(c) *Perishable, etc., foods.*

Nothing in this section authorizes:

(1) the sale of any perishable food, such as milk, cheese, meat, eggs, and baby food, past its expiration date; or

(2) the sale or possession of any adulterated or unwholesome food.

(d) *Altering, etc., expiration date.*

No food service facility may alter, remove, cover, disguise, or otherwise obscure the expiration date of any dated food.

(Ord. 02-438.)

§ 6-506. Litter and rubbish prohibited.

(a) *In general.*

Each food service facility must keep its entire premises, including all abutting sidewalks, alleys, footpaths, gutters, and other public rights-of-way, free of litter and rubbish.

(b) *Complaints; hearing.*

(1) If, during any license year, the Commissioner receives 10 or more complaints of the facility's having violated this section, the Commissioner must conduct a hearing under Subtitle 6 {"Suspensions and Revocations"} of this title to determine if the license should be suspended, its renewal denied, or other penalties imposed.

(2) For purposes of this subsection, the Commissioner may accept a complaint only if it:

(i) is in writing;

(ii) is made by an adult;

(iii) includes the complainant's name and address; and

(iv) is submitted independently of any other person's complaint about the facility.

(c) *Litterer remains subject to prosecution.*

Nothing in this section precludes the imposition of penalties under any other law that governs the disposition of litter, trash, garbage, or other waste.

(City Code, 1976/83, art. 11, §165A.) (Ord. 99-548.)

§ 6-507. Trans fats prohibited.

Editor's Note: This section was enacted by Ordinance 08-001 (approved March 20, 2008). Section 3 of that Ordinance provides that the new law takes effect 18 months after the date of enactment – i.e., September 20, 2009.

(a) *"Food containing trans fat" defined.*

(1) "Food containing trans fat" means, except as provided in paragraph (2) of this subsection, any food that:

(i) is labeled as containing vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil;

(ii) lists vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil as an ingredient; or

(iii) contains vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil.

(2) "Food containing trans fat" does not include food with a nutrition facts label or other documentation from the manufacturer that lists the food's trans fat content as less than 0.5 grams per serving.

(b) *Prohibited use, etc.*

(1) Except as provided in paragraph (2) of this subsection, food containing trans fat may not be stored, distributed, held for service, used in preparation of any menu item, or served in any food service facility.

(2) This subsection does not apply to food that is served directly to patrons in the original sealed package of the manufacturer.

(c) *Labels; documentation.*

(1) (i) Except as provided in subparagraph (ii) of this paragraph, a food service facility must maintain on site the original label for any food:

(A) that contains fats, oils, or shortenings;

(B) that is required by federal or state law to have a label when purchased by a food service facility; and

(C) that is stored, distributed, held for service, used in preparation of any menu items, or served by the food service facility.

(ii) The Health Commissioner may permit a food service facility to submit acceptable documentation from the manufacturer that indicates whether a food contains vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil, or that indicates a food's trans fat content.

(3) If a food contains fats, oils, or shortenings and is not required to be labeled when purchased, the food service facility must obtain and maintain documentation from the manufacturer that indicate whether the food contains vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil, or that indicates the food's trans fat content.

(4) The Commissioner may adopt rules or regulations that govern the documentation acceptable or required under paragraphs (i)(ii) and (2) of this subsection.

(Ord. 08-001.)

SUBTITLE 6
SUSPENSIONS AND REVOCATIONS

§ 6-601. Notice of violation or hazard.

(a) *In general.*

Whenever the Commissioner finds that any food service facility is in violation of any provision of this title or is in an unsanitary or other condition that, in the Commissioner's judgment, constitutes a hazard to the public health, the Commissioner may issue a violation notice to the facility.

(b) *Contents.*

The violation notice must:

(1) cite the violation or condition;

(2) specify the corrective action to be taken and the time within which that action must be taken; and

(4) state that a hearing will be provided to the facility, if one is requested under Title 2, Subtitle 3 {"Administrative Hearings"} of this article.

(City Code, 1976/83, art. 11, §165(f)(1), (f)(2)(part).) (Ord. 99-548.)

§ 6-602. Suspension on failure to correct.

(a) *Order of suspension.*

If a food service facility fails to comply with the violation notice within the time prescribed, the Commissioner may then issue an order of suspension to the facility.

(b) *Contents.*

An order issued under this section may:

(1) immediately suspend the facility's license; and

(2) order all food service facility operations to be discontinued immediately.

(City Code, 1976/83, art. 11, §165(f)(2).) (Ord. 99-548.)

§ 6-603. Suspension without notice.

(a) *Order of violation and suspension.*

If the Commissioner considers it necessary in the interest of public health, the Commissioner may issue an order of immediate suspension to the facility without having first issued a violation notice under § 6-601 {"Notice of violation or hazard"} of this subtitle.

(b) *Contents.*

An order issued under this section:

(1) must cite the violation or condition;

(2) must specify the corrective action to be taken and the time within which that action must be taken; and

(3) may order all food service facility operations to be discontinued immediately.

(c) *Opportunity for hearing.*

The notice must also state that a hearing will be provided to the facility under Title 2, Subtitle 3 {"Administrative Hearings"} of this article, if one is requested.

(City Code, 1976/83, art. 11, §165(f)(3).) (Ord. 99-548.)

§ 6-603.1. Suspension or nonrenewal for multiple or unpaid citations.

(a) *In general.*

The Commissioner may suspend or refuse to renew the license of a food service facility if:

(1) at any time within the preceding 6 months, the facility has been served with 3 or more citations issued for reasons related to public health or to the prevention of disease, epidemics, or nuisances affecting public health, under either or both of:

(i) City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(ii) City Code Article 1, Subtitle 41 {"Civil Citations"}; or

(2) at any time within the preceding 12 months, the facility has been declared to be in default of 1 or more citations issued for reasons related to public health or to the prevention of disease, epidemics, or nuisances affecting public health, under either of:

(i) City Code Article 1, § 40-8 {"Environmental Citations: Default by person cited"}; or

(ii) City Code Article 1, § 41-10 {"Civil Citations: Default"}.

(b) *Covered offenses.*

(1) For purposes of this section, citations issued for violations of the following provisions of the City Code are presumed to be issued for reasons related to public health or to the prevention of disease, epidemics, or nuisances affecting public health:

Article 13. Housing and Urban Renewal
Subtitle 5 {"Multiple-Family Dwellings and Rooming Houses"}.

Article 15. Licensing and Regulation
Subtitle 17. Street Vendors
Subtitle 18. Itinerant Wholesale Produce Dealers

Article 19. Police Ordinances
§ 1-2. Placement *{of advertising circulars}* without permission
§ 7-2. Vehicle alarms: Prohibited devices
§ 8-18. Burglar alarms: Penalties
§ 13-1 or § 13-2. Disorderly drinking
§ 14-2 or § 14-3. Drinking in public places
Subtitle 25. Loitering – General
§ 26-6. Loitering – Drug-Free Zone
§ 27-3. Loitering – For assignation, etc.
§ 27-15. Loitering – Prostitution-Free Zone
Subtitle 32. Minors – Sales in Proximity to Liquor Store
§ 34-5. Curfews: Prohibited conduct of parents, guardians, etc.
§ 34-6. Curfews: Prohibited conduct of establishments
§ 40-9. Dirt Bikes, etc. – Motor fuel sales
§ 41-2. Outdoor telephones: Prohibited placement
§ 45-2. Signs on public property: Posting prohibited
Subtitle 46. Signs – Campaign Signs in Residential Areas
§ 47-5. Nighttime soliciting
§ 50-2. Obstructing street, etc., or gutter
§ 50-3. Merchandise projecting from building
§ 50-26. Fires in street, lane, or alley
§ 50-41. Playing, etc., in street, etc.
§ 50-56. Soliciting customers
§ 59-18. Reporting *{theft or loss of firearm}* required

Article 23. Sanitation
§ 2-1. Mixed refuse: Receptacles
§ 2-2. Mixed refuse: Handling
§ 4-1 or § 4-2. Receptacles on collection days

Article 24. Water
§ 21-1. Rules and regulations *{to protect supply and facilities}*
§ 21-2. Suspension, etc., of certain uses
§ 21-3. Injuring fire hydrants
§ 21-4. Wrongful use after cut-off
§ 21-5. Refusal of entry
§ 21-6. Interference with equipment; illegal use of water

Article 26. Surveys, Streets, and Highways
Subtitle 6. Building Address Numbers

Article 31. Transit and Traffic
§ 16-12. Vehicles on sidewalks
§ 18-8. Riding *{bicycles}* on sidewalk

Building, Fire, and Related Codes – Building Code
§ 105.14. Work without permit
§ 115.3. Stop-work order: Unlawful continuance
§ 116. Unsafe structures
§ 120. Condemnation proceedings
§ 123.8. Failure to comply with notice
§ 3302.2 Construction Safeguards: Waste and debris

Building, Fire, and Related Codes – Fire Code
§ 107.5. Maintenance: Overcrowding
§ 110.1. Unsafe buildings: General
§ 1001.2. Means of Egress: Minimum requirements

Building, Fire, and Related Codes – Property Maintenance Code
Chapter 3. General Requirements

Health Code
Title 5. Nuisance Control
Title 6: Food Service Facilities
Title 7: Waste Control
Title 8: Air Pollution
Title 9: Noise Regulation
Title 10: Animal Control and Protection
Title 11: Swimming Pools
Title 12: Tobacco Products
Title 15: Ephedrine Products

Zoning Code
§ 2-402. Use permit required
§ 3-107. Prohibited uses - storage, etc., of vehicles

(2) Nothing in this subsection precludes the Health Commissioner from determining, in his or her discretion, that a citation for an offense was issued for reasons related to public health or to the prevention of disease, epidemics, or nuisances affecting public health.

(c) *Notice and opportunity for hearing.*

Before suspending or refusing to renew a license under this section, the Commissioner must provide the facility with notice and an opportunity for hearing, as provided in Title 2, Subtitle 3 {"Administrative Hearings"} of this article.

(Ord. 09-243; Ord. 12-046; Ord. 13-093.)

§ 6-604. Reinstatement of suspended licenses.

(a) *Application for reinstatement.*

(1) Any food service facility may apply to the Commissioner for reinstatement of a suspended license.

(2) In addition to any other information that the Commissioner requires, the application must include a signed statement by the applicant that, in the applicant's opinion, the violation or condition that caused the suspension has been corrected.

(b) *Reinspection.*

Within 10 days of receiving the application and the reinspection fee specified in subsection (d) of this section, the Commissioner must reinspect the facility.

(c) *Required reinstatement.*

If, on reinspection, the facility is found to comply with all applicable requirements, the license must be reinstated.

(d) *Reinspection fees.*

(1) The fee for a reinspection performed during regular working hours is $100.

(2) The fee for a reinspection performed during weekend or evening hours is $300.

(City Code, 1976/83, art. 11, §165(g)(3rd par.).) (Ord. 99-548; Ord. 09-243.)

§ 6-605. Revocation of licenses.

(a) *Grounds.*

The Commissioner may revoke the license of a food service facility if that facility:

(1) commits more than one violation of this title; or

(2) interferes with the performance of the Commissioner's duties.

(b) *Notice and opportunity for hearing.*

Before revoking a license, the Commissioner must provide the facility with notice and opportunity for hearing, as provided in Title 2, Subtitle 3 {"Administrative Hearings"} of this article.

(City Code, 1976/83, art. 11, §165(h).) (Ord. 99-548.)

§ 6-606. Notice of suspensions.

(a) *Posting of premises.*

(1) A food facility or other establishment that has had its license suspended for longer than 24 hours must post a public notice throughout the suspension period stating the reason for the suspension.

(2) The notice must be in the form and tenor that the Commissioner specifies.

(b) *Published listings.*

(1) At least monthly, the Commissioner must publish a list of food facilities and other establishments that, during the preceding calendar month, have had their licenses suspended or revoked or that have been closed for health code violations.

(2) The listing must specify:

(i) the name (including trade name) and address of the establishment;

(ii) the effective date and term of the revocation, suspension, or closing; and

(iii) the reasons for the revocation, suspension, or closing.

(3) The listing must be published by:

(i) posting on the Department's website; and

(ii) distribution to the neighborhood association(s) listed with the Department of Planning for the area(s) served by the establishment.

(City Code, 1976/83, art. 11, §61(3).) (Ord. 99-391; Ord. 02-439; Ord. 09-217.)

SUBTITLE 7
{RESERVED}

SUBTITLE 8
PENALTIES

§ 6-801. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this title may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this title does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548.)

§ 6-802. Penalties.

(a) *In general.*

Any person who violates any provision of this title or of a rule or regulation adopted under this title is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in this section.

(b) *Basic penalty: $1,000.*

Except as specified in subsection (c) of this section, the penalty for a violation is a fine of not more than $1,000 for each offense.

(c) *Operating without or in violation of license: $1,000 and 12 months.*

(1) For operating a food service facility without a license or in violation of the terms of a license, the penalty is a fine of not more than $1,000 or imprisonment for not more than 12 months or both fine and imprisonment for each offense.

(2) Each day that a violation continues is a separate offense.

(Ord. 99-548.)

TITLE 7
WASTE CONTROL

SUBTITLE 1
DEFINITIONS; GENERAL PROVISIONS

§ 7-101. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *Dispose.*

"Dispose" includes abandon, deposit, discard, discharge, dump, junk, leave, place, scrap, or throw.
(City Code, 1976/83, art. 11, §264(b)(2).) (Ord. 99-548.)

(c) *Garbage.*

"Garbage" means waste that results from the distribution, preparation, or serving of food.
(City Code, 1976/83, art. 11, §221(c).) (Ord. 99-548.)

(d) *Hauler.*

(1) *In general.*

"Hauler" means any person who:

(i) contracts with others for the collection, transportation, or disposal of solid waste; or

(ii) except as specified in paragraph (3) of this subsection, engages in the collection, transportation, or disposal of solid waste generated by that person him-, her-, or itself.

(2) *Inclusions.*

"Hauler" includes a person described in paragraph (1) of this subsection even if that person is operating under a demolition permit issued by the City.

(3) *Exclusions.*

"Hauler" does not include any person who occupies residential property and collects, transports, or disposes of solid waste generated by the residential use of that property.
(City Code, 1976/83, art. 11, §§266(c)(parts), 267(a).) (Ord. 99-548.)

(e) *Land clearance debris*.

"Land clearance debris" means any trees, other vegetation, or their roots that result from land clearance for streets, parks, playgrounds, construction projects, or other similar projects.
(City Code, 1976/83, art. 11, §221(d).) (Ord. 99-548.)

(f) *Landfill.*

"Landfill" means any private or public property where waste is disposed of by placement on or burial in the ground.
(Ord. 99-548.)

(g) *Rock*.

"Rock" means rock, stones, or boulders that result from land clearance, grading, and the preparation of construction sites and similar projects.
(City Code, 1976/83, art. 11, §221(e).) (Ord. 99-548.)

(h) *Rubbish*.

"Rubbish" includes paper, rags, ashes, leaves, tree branches, yard trimmings, furniture, appliances, cans, glass, crockery, junk vehicles, tires, automotive parts, paints, and oils.
(City Code, 1976/83, art. 11, §221(g).) (Ord. 99-548.)

(i) *Rubble*.

(1) *In general.*

"Rubble" means any waste that results from the demolition of buildings, structures, or streets.

(2) *Inclusions.*

"Rubble" includes masonry, concrete, asphalt, wood, plaster, paper, glass, metal, roof materials, or other materials used in the construction of buildings, structures, or streets.
(City Code, 1976/83, art. 11, §221(b), (f).) (Ord. 99-548.)

(j) *Solid waste.*

"Solid waste" means all waste that is neither gaseous nor liquid.
(City Code, 1976/83, art. 11, §266(b)(1st sen.).) (Ord. 99-548.)

(k) *Trade waste*.

(1) *In general.*

"Trade waste" means waste that results from construction or from any other business, commercial, or industrial operation.

(2) *Inclusions.*

"Trade waste" includes plastics, cartons, chemicals, paints, greases, oils, and other petroleum products, sawdust, and dead animals.

(City Code, 1976/83, art. 11, §221(h).) (Ord. 99-548.)

(l) *Waste.*

(1) *Defined inclusions.*

"Waste" includes any of the following material, as defined in this section, whether putrescible or nonputrescible:

(i) garbage;

(ii) land clearance debris;

(iii) rock;

(iv) rubbish;

(v) rubble; and

(vi) trade waste.

(2) *Additional inclusions.*

"Waste" also includes any of the following material, whether putrescible or nonputrescible:

(i) asbestos;

(ii) ashes;

(iii) dead animals;

(iv) hazardous waste;

(v) incinerator residue;

(vi) medical waste;

(vii) refuse;

(viii) street cleanings;

(ix) trash; and

(x) wastewater treatment residue.

(City Code, 1976/83, art. 11, §§221(a)(1st cl.), 266(b)(2nd sen.), art. 23, §22(a)(7).) (Ord. 99-548.)

§ 7-102. Findings and declaration of public policy.

(a) *Findings.*

The Mayor and City Council finds that:

(1) the dumping of waste and other material is a sickening blight on the streets, sidewalks, parks, open spaces, and waters of the City;

(2) as the available amount of landfill space decreases, incidents of dumping have increased, most notoriously (though not exclusively) by those involved in the construction business; and

(3) this dumping of waste, as well as its collection and transportation, is a serious threat to the environment and the health, welfare, safety, peace, and comfort of the City's inhabitants.

(b) *Policy.*

The Mayor and City Council declares as a matter of policy that, to eliminate these hazards, it is necessary to:

(1) strictly regulate the collection, transportation, and disposal of all waste in the City;

(2) expand the prohibitions against illegal dumping; and

(3) increase the penalties for violations.

(c) *Commissioner to regulate.*

Because of the serious health and environmental consequences, the Commissioner of Health is granted jurisdiction over the collection, transportation, and disposition of waste by commercial haulers and other persons in the City.

(City Code, 1976/83, art. 11, §§135(a), 220(parts), 264(a).) (Ord. 99-548.)

§ 7-103. Rules and regulations.

In the rules and regulations adopted under § 2-106 {"Rules and regulations"} of this article, the Commissioner may include provisions, consistent with this title and State law, that govern:

(1) the storage facilities, vehicles, equipment, and operations of all persons transporting waste; and

(2) the construction, design, operation, maintenance, and completion of landfills in the City.

(City Code, 1976/83, art. 11, §§220(b)(last cl.), 223(b), 267(d)(part), 270(a)(part).) (Ord. 99-548.)

SUBTITLE 2
SOLID WASTE COLLECTION

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 7-201. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *License.*

"License" means a license issued under this subtitle to operate as a hauler.
(Ord. 99-548.)

(c) *Small hauler.*

"Small hauler" means a hauler that uses only 1 truck for which the manufacturer's rated capacity is ¾ ton or less and the gross weight of which is 7,000 pounds or less.
(City Code, 1976/83, art. 11, §266(c).) (Ord. 99-548.)

§ 7-202. Scope of subtitle.

This subtitle does not apply to:

(1) any person while employed by or under contract with the City for public work;

(2) a 1- or 2-day community clean-up where neighbors join in to pay the cost of hiring a truck; or

(3) a scrap metal dealer who:

(i) is licensed under City Code Article 2, Subtitle 8; and

(ii) is transporting materials for purchase, sale, recycling, or storage (but not for disposal).
(City Code, 1976/83, art. 11, §266(c).) (Ord. 99-548; Ord. 04-692; Ord. 10-389.)

§§ 7-203 to 7-204. ***{Reserved}***

PART II. LICENSE REQUIRED

§ 7-205. In general.

No person may operate as a hauler in the City without a license to do so from the Commissioner of Health.
(City Code, 1976/83, art. 11, §267(a), (a-1).) (Ord. 99-548.)

§ 7-206. Applications.

The application for a license:

(1) must be on the form that the Commissioner provides; and

(2) in addition to any other information that the Commissioner requires, must contain the type, make, year, capacity, and vehicle tag number of every vehicle that the applicant proposes to use.

(City Code, 1976/83, art. 11, §267(a), (a-1).) (Ord. 99-548.)

§ 7-207. Inspection of applicant.

On receipt of the application, the Commissioner may inspect the applicant's storage facilities, vehicles, and other equipment before issuing a license.

(City Code, 1976/83, art. 11, §267(d).) (Ord. 99-548.)

§ 7-208. Issuance of license.

The Commissioner must issue a license to the applicant if the applicant:

(1) has complied with all applicable laws, rules, and regulations; and

(2) pays the applicable license fee.

(City Code, 1976/83, art. 11, §267(d).) (Ord. 99-548.)

§ 7-209 Term and renewal of license.

(a) *Term of license.*

Unless sooner suspended or revoked, a license expires on December 31 of each year.

(b) *Application for renewal.*

Before a license expires, the licensee periodically may renew the license for an additional 1-year term, if the licensee:

(1) otherwise is entitled to a license;

(2) submits a renewal application to the Commissioner, on the form that the Commissioner provides; and

(3) pays the applicable annual fee.

(City Code, 1976/83, art. 11, §267(c)(2nd sen.).) (Ord. 99-548.)

§ 7-210. License fees.

(a) *In general.*

The fees to be charged under this subtitle are as set by the Commissioner, with the approval of the Board of Estimates.

(b) *Small haulers.*

The fees so set may include an appropriate differential for small haulers.
(City Code, 1976/83, art. 11, §267(c)(2nd sen.).) (Ord. 99-548.)

§ 7-211. Inspection of licensee.

(a) *When authorized.*

From time to time as the Commissioner sees fit, the Commissioner may inspect any storage facilities, vehicles, and other equipment of a licensee.

(b) *When required.*

The Commissioner must undertake an inspection of a licensee if the Commissioner receives written complaints from 2 or more unrelated persons that the licensee is in violation of the subtitle.
(City Code, 1976/83, art. 11, §270(a).) (Ord. 99-548.)

§§ 7-212 to 7-213. *{Reserved}*

PART III. SUSPENSIONS AND REVOCATIONS

§ 7-214. Suspension or revocation after notice.

(a) *Notice — in general.*

The Commissioner may issue a violation notice to a licensee who the Commissioner believes is in violation of any provision of:

(1) this subtitle;

(2) any rule or regulation adopted under this subtitle; or

(3) the terms of the license issued to the licensee.

(b) *Notice — contents.*

The violation notice must:

(1) cite the violation;

(2) specify the corrective action to be taken; and

(3) state the time within which that action must be taken.

(c) *Action on failure to correct.*

If the licensee fails to make the corrections within the time prescribed, the Commissioner may suspend or revoke the license, subject to the hearing provisions of Title 2, Subtitle 3 {"Administrative Hearings"} of this article.

(City Code, 1976/83, art. 11, §270(a).) (Ord. 99-548.)

§ 7-215. Suspension or revocation after conviction.

Subject to the hearing provisions of Title 2, Subtitle 3 {"Administrative Hearings"} of this article, the Commissioner may suspend or revoke the license of any licensee who is convicted of a violation of:

(1) this subtitle;

(2) any rule or regulation adopted under this subtitle; or

(3) any other law involving the handling or disposition of waste.

(City Code, 1976/83, art. 11, §270(d).) (Ord. 99-548.)

§§ 7-216 to 7-217. *{Reserved}*

PART IV. HAULERS' DUTIES

§ 7-218. Identification of vehicles.

(a) *In general.*

(1) Except as specified in subsection (b) of this section, every vehicle used by a hauler to collect, transport, or dispose of waste must be identified as specified in this subsection.

(2) The name and business telephone number of the hauler must be displayed:

(i) on both sides of the vehicle; and

(ii) in lettering that:

(A) conspicuously contrasts with its background; and

(B) is of a size, shape, and color to be readily legible, during daylight hours, from a distance of 50 feet while the vehicle is stationary.

(3) The required display may be on removable devices.

(b) *Small haulers.*

Every vehicle used by a small hauler must have its license displayed inside the vehicle in a way that is visible at all times from outside the vehicle.

(City Code, 1976/83, art. 11, §269(d), (h).) (Ord. 99-548.)

§ 7-219. Identification of containers.

(a) *In general.*

Each waste container that has a capacity of 2 cubic yards or more must be labeled with:

(1) the name of the licensee; and

(2) an identification number assigned by the Commissioner.

(b) *Form.*

The label must be:

(1) on the outside of the container; and

(2) in permanent lettering that is:

(i) plainly distinguishable; and

(ii) at least 3 inches high.

(City Code, 1976/83, art. 11, §269(d), (h).) (Ord. 99-548.)

§ 7-220. Sanitation requirements.

(a) *Preventing spills.*

Each licensee must:

(1) comply with the requirements of Subtitle 3 {"Transporting Waste"} of this title;

(2) cover or tie down all solid waste being transported on an open-type vehicle so as to prevent spillage; and

(3) take all other action necessary to prevent leakage or loss of any waste from either containers or vehicles.

(b) *Cleaning vehicles.*

Each vehicle used to collect, transport, or dispose of waste must be maintained in a clean condition that minimizes odors and prevents insect and rodent breeding.

(City Code, 1976/83, art. 11, §269(a) - (c).) (Ord. 99-548.)

§ 7-221. Hours of collection.

(a) *In general.*

Except as specified in subsection (b) of this section, no hauler or any other person may collect solid waste in the City at any time before 7 a.m. or after 11 p.m. on any day, weekends and legal holidays included.

(b) *Nonresidential areas.*

A licensed hauler may collect solid waste at any time from a business, commercial, industrial, institutional, or other nonresidential use structure as long as no residential structure is within 300 feet of any collection point.

(c) *Emergency waivers.*

The Commissioner may waive the requirements of this section in the event of a civil emergency.
(City Code, 1976/83, art. 11, §26(f).) (Ord. 99-548; Ord. 08-079.)

§ 7-222. Daily log.

(a) *Driver to keep.*

The driver of any vehicle being used under a hauler's license must keep a daily log that includes, for each collection of solid waste:

(1) the location from which the waste is collected;

(2) the general nature of the solid waste;

(3) the name of the customer from whom the waste is collected; and

(4) when, where, and how the waste was disposed of.

(b) *Inspection.*

The licensee must permit the Commissioner to inspect this log at any time during regular business hours.
(City Code, 1976/83, art. 11, §269(g).) (Ord. 99-548.)

§§ 7-223 to 7-224. ***{Reserved}***

PART V. USING UNLICENSED HAULERS

§ 7-225. List of licensees.

(a) *Commissioner to publish.*

The Commissioner must publish and distribute to all community associations listed with the Department of Planning an annual list of all small haulers licensed under this subtitle who indicate their availability to provide services to residential properties.

(b) *Warnings.*

This list must contain a notice of the prohibition in § 7-226 {"Prohibited conduct"} of this subtitle against using an unlicensed hauler.

(City Code, 1976/83, art. 11, §268(d).) (Ord. 99-548.)

§ 7-226. Prohibited conduct.

No person may contract with or hire any hauler who is not licensed under this subtitle.

(City Code, 1976/83, art. 11, §267(b).) (Ord. 99-548.)

§§ 7-227 to 7-228. *{Reserved}*

PART VI. PENALTIES

§ 7-229. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548; Ord. 03-595.)

§ 7-230. Penalties: $500/day.

(a) *In general.*

Any person who violates any provision of this subtitle or of any rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $500 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.
(City Code, 1976/83, art. 11, §272.) (Ord. 99-548.)

SUBTITLE 3
TRANSPORTING WASTE

§ 7-301. Coverings and containers required.

(a) *In general.*

Every vehicle that transports waste on the streets of this City, including vehicles used by the City, must be equipped with adequate coverings and containers to prevent the spilling or dropping of any waste.

(b) *Construction.*

The vehicle and all waste containers must:

(1) be strong and tight;

(2) have sides high enough above the load that no part of the load can fall, leak, or spill; and

(3) be covered with heavy canvas or other substantial material.

(City Code, 1976/83, art. 11, §121(2nd sen.), art. 23, §§15, 16.) (Ord. 99-548.)

§ 7-302. Loading and care.

(a) *In general.*

No person may allow any vehicle or container to be so fully loaded, in such bad repair, of such faulty construction, or so improperly operated that any waste can fall, leak, or spill.

(b) *Care by drivers, etc.*

No person driving, loading, unloading, or cleaning any vehicle or container used to carry waste may do so or permit any other person to do so in any way that is needlessly offensive or filthy in respect to any person or property.

(City Code, 1976/83, art. 23, §§17, 18(1st cl.).) (Ord. 99-548.)

§ 7-303. Noncommercial vehicles.

The owner of every noncommercial vehicle used to carry any waste or any sand, dirt, gravel, loam, earth, fertilizer, filth, stone, brick, or coal must keep the load in a tight and secure condition so that no part of the load can fall, leak, or spill.

(City Code, 1976/83, art. 23, §20(1st cl.).) (Ord. 99-548.)

§ 7-304. Replacement of spills.

If any material falls, leaks, or spills from a vehicle or container, the individual operating the vehicle or in charge of the container must immediately stop and remove and secure the fallen, leaked, or spilled material.

(City Code, 1976/83, art. 11, §121(3rd sen.(last cl.)), art. 23, §18(2nd cl.).) (Ord. 99-548.)

§§ 7-305 to 7-306. *{Reserved}*

§ 7-307. Penalties: $500.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $500 for each offense.
(Ord. 99-548.)

SUBTITLE 4
LANDFILLS

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 7-401. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *License.*

"License" means a license issued under this subtitle to operate a landfill.
(Ord. 99-548.)

(c) *Person.*

"Person" includes, except as used in § 7-419 {"Penalties"} of this subtitle, a governmental entity or an instrumentality or unit of a governmental entity.
(Ord. 99-548.)

§ 7-402. Exceptions from subtitle.

This subtitle does not apply to:

(1) the random placement of broken stones or rubble as a foundation, sustaining wall, or similar structure to control erosion; or

(2) to the otherwise lawful filling of land exclusively with earth fill material that contains:

(i) no more than 10% organic matter or rubble by volume; and

(ii) no object larger than 12 inches in any dimension.
(City Code, 1976/83, art. 11, §§221(a)(2nd cl.), 221(1), 224.) (Ord. 99-548.)

§§ 7-403 to 7-405. ***{Reserved}***

PART II. LICENSE REQUIRED

§ 7-406. In general.

No person may operate a landfill in the City without a license to do so from the Commissioner of Health.
(City Code, 1976/83, art. 11, §222(b).) (Ord. 99-548.)

§ 7-407. Applications.

The application for a license:

(1) must be on the form that the Commissioner provides; and

(2) in addition to any other information that the Commissioner requires, must contain:

(i) the name of the applicant;

(ii) the applicant's home address;

(iii) the address of the applicant's principal place of business;

(iv) the location of the proposed landfill;

(v) the name under which the business is carried on;

(vi) a detailed engineering plan of the proposed operation of the landfill; and

(vii) evidence satisfactory to the Commissioner that the applicant has obtained a bond or other security, running to the benefit of the City, in the form, amount, and tenor:

(A) as required by State law for landfills licensed by the State; or

(B) if no bond or security is required by State law, as the Commissioner requires.

(City Code, 1976/83, art. 11, §223(a)(1)(1st cl.), (2), (3)(1st cl.).) (Ord. 99-548.)

§ 7-408. Issuance of license.

The Commissioner must issue a license to the applicant if:

(1) the Commissioner approves the engineering plan;

(2)the applicant has complied with all applicable laws, rules, and regulations; and

(3) the applicant pays the applicable fee.

(City Code, 1976/83, art. 11, §223(a)(3)(2nd cl.).) (Ord. 99-548.)

§ 7-409. Term and renewal of license.

(a) *Term of license.*

Unless sooner suspended or revoked, a license expires annually on the anniversary of its effective date.

(b) *Application for renewal.*

Before a license expires, the licensee periodically may renew the license for an additional 1-year term, if the licensee:

(1) otherwise is entitled to a license;

(2) submits a renewal application to the Commissioner, in the form that the Commissioner requires; and

(3) pays the applicable renewal fee.

(City Code, 1976/83, art. 11, §223(a)(intro), (a)(4)(1st sen.).) (Ord. 99-548.)

§ 7-410. License fees.

The annual fee for a license is as set by the Commissioner, with the approval of the Board of Estimates.

(City Code, 1976/83, art. 11, §223(a)(4)(2nd sen.).) (Ord. 99-548.)

§ 7-411. Notice of changed information.

A licensee must immediately notify the Commissioner of any change in any of the information contained in or accompanying the licensee's application for a license or a renewal.

(City Code, 1976/83, art. 11, §223(a)(1)(2nd cl.).) (Ord. 99-548.)

§§ 7-412 to 7-413. *{Reserved}*

PART III. SUSPENSIONS, REVOCATIONS, AND DENIALS

§ 7-414. Suspensions.

(a) *Grounds.*

Subject to the hearing provisions of Title 2, Subtitle 3 {"Administrative Hearings"} of this article, the Commissioner of Health may suspend a license:

(1) on receipt of notice of intent to cancel the bond or other security required by State law;

(2) if the licensee fails to comply with the engineering plan approved by the Commissioner; or

(3) if the Commissioner finds the licensee has caused a condition that is hazardous to the public health, safety, or welfare.

(b) *Duration.*

A suspension continues until the licensee:

(1) satisfies the Commissioner that the cause for the suspension has been adequately corrected; and

(2) has reimbursed the City for any expenses that the City incurs as a result of the condition.

(City Code, 1976/83, art. 11, §223(a)(5).) (Ord. 99-548.)

§ 7-415. Revocations and denials of renewal.

Subject to the hearing provisions of Title 2, Subtitle 3 {"Administrative Hearings"} of this article, the Commissioner of Health may revoke or refuse to renew the license of any licensee who repeatedly violates any of the conditions of the license or any of the provisions of this subtitle or of the rules and regulations adopted under this subtitle.

(City Code, 1976/83, art. 11, §223(a)(6).) (Ord. 99-548.)

§§ 7-416 to 7-417. *{Reserved}*

PART IV. PENALTIES

§ 7-418. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548; Ord. 03-595.)

§ 7-419. Penalties: $1,000 and $100/day.

Any person who violates any provision of this subtitle or of a rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $1,000 for each offense, plus $100 for each day that the offense continues.

(City Code, 1976/83, art. 11, §226(a).) (Ord. 99-548.)

SUBTITLE 5
WASTEWATER FROM HYDRAULIC FRACTURING

§ 7-501. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Flow back.*

"Flow back" means the fracturing fluids that return to the surface after a hydraulic fracture is completed.

(c) *Hydraulic fracturing.*

"Hydraulic fracturing" means the drilling technique (also known colloquially as "fracking", "hydrofracking", or "hydrofracturing") of expanding or creating fractures in rock by injecting fluids, often a mixture of water and chemicals, sand, or other substances, and often under pressure, into or underneath the surface of the rock for various purposes, including well drilling and natural gas exploration and production.

(Ord. 13-113.)

§ 7-502. Storing, treating, disposing, etc., wastewater prohibited.

No person may store, treat, discharge, or dispose of in the City or in or on any City-owned facility or property, wherever situated, any flow back or other wastewater resulting from hydraulic fracturing.

(Ord. 13-113.)

§ 7-503. Penalties: $1,000 and 90 days.

(a) *In general.*

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $1,000, imprisonment for not more than 90 days, or both fine and imprisonment for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

(Ord. 13-113.)

SUBTITLE 6
PROHIBITED DISPOSAL

PART I. SCOPE OF SUBTITLE

§ 7-601. "Litter" excluded.

This subtitle does not apply to the disposal of "litter", as defined in Subtitle 7 of this title.
(Ord. 08-044.)

§§ 7-602 to 7-605. *{Reserved}*

PART II. PROHIBITED ACTIVITIES

§ 7-606. In general.

No person may dispose of any waste or other material except:

(1) in a receptacle and at a location approved by law for waste disposal;

(2) at a licensed landfill; or

(3) at any other disposal site authorized by law to receive waste.
(City Code, 1976/83, art. 11, §§135(c), 220, 222(a), 264(c), art. 23, §13.) (Ord. 99-548; Ord. 08-044.)

§ 7-607. Disposing of offensive materials.

(a) *In general.*

No person may dispose of or permit to discharge or flow onto any public or private property, with or without the owner's permission, any liquid or solid matter that is or that, after exposure to the atmosphere or otherwise, is likely to become offensive or otherwise a nuisance.

(b) *Illustrations.*

This section applies to, among other things, any:

(1) blood;

(2) refuse coal oil;

(3) dead animal or part of an animal;

(4) domestic or sanitary sewage;

(5) excrement;

(6) filth;

(7) foul or nauseous liquid;

(8) garbage;

(9) slaughter house or other trade cleanings;

(10) stagnant water; or

(11) offensive matter of any kind.

(City Code, 1976/83, art. 11, §119, inter alia.) (Ord. 99-548; Ord. 08-044.)

§ 7-608. Dumping on public property.

No person may dump or dispose of any garbage, waste, wire, glass, nails, or any other matter:

(1) in or on any gutter, sidewalk, street, open space, wharf, or other public place; or

(2) except for litter, as defined in Subtitle 7 of this title, into any public trash receptacle located on or along any sidewalk, street, open space, wharf, or other public place.

(City Code, 1976/83, art. 19, §§167, 172.) (Ord. 99-548; Ord. 08-044; Ord. 12-065.)

§ 7-609. Dumping on private property.

No person may dump or otherwise dispose of any earth, dirt, sand, ashes, gravel, rocks, garbage, waste, or any other matter on any private property, including in or near any waste receptacle on the property, without the permission of the property owner or the owner's agent.

(City Code, 1976/83, art. 11, §§135, 160(1st cl.).) (Ord. 99-548; Ord. 08-044; Ord. 11-478.)

§ 7-610. Burning waste.

No person may burn or cause to be burned any garbage or other waste except as specifically authorized by law.

(City Code, 1976/83, art. 11, §§135, 160(1st cl.).) (Ord. 99-548; Ord. 08-044.)

§§ 7-611 to 7-615. *{Reserved}*

PART III. SEIZURE AND FORFEITURE OF VEHICLES

§ 7-616. Responsibility of vehicle owner.

The registered owner of a vehicle or, for a leased or rented vehicle, the lessee or renter, as identified on the lease or rental agreement, is prima facie responsible for any waste or other material transported in or disposed of from that vehicle.

(City Code, 1976/83, art. 11, §136(3rd sen.).) (Ord. 99-548; Ord. 08-044; Ord. 11-478.)

§ 7-617. Grounds for seizure.

(a) *In general.*

Except as provided in subsection (b) of this section, any vehicle used for or in connection with disposing waste or other material in violation of this subtitle is subject to seizure and forfeiture.

(b) *Unauthorized possession or use of vehicle.*

A vehicle may not be forfeited under this subtitle solely because of an act or omission by a person other than the vehicle's owner committed or omitted:

(1) while the vehicle was unlawfully in that other person's possession; or

(2) while the vehicle was lawfully in that other person's possession, but the owner can establish by a preponderance of the evidence that the violation of this subtitle was committed without the owner's actual knowledge.

(Ord. 08-044.)

§ 7-618. Seizure by police.

(a) *When warrant not needed.*

A police officer need not have a warrant to seize a vehicle if:

(1) the police officer has probable cause to believe the vehicle has been used in violation of this subtitle; and

(2) a warrant is not constitutionally required under the circumstances.

(b) *Removal of vehicle.*

Whenever a police officer seizes a vehicle under this subtitle, the police officer may cause it to be moved to a place designated by the Police Commissioner.

(c) *Vehicle not repleviable.*

A vehicle seized under this subtitle is not repleviable and remains in the custody of the Police Department, subject only to the orders and decrees of the court or official with jurisdiction over it.

(Ord. 08-044.)

§ 7-619. Referral to Solicitor.

(a) *Police to refer case.*

Promptly after seizure, the Police Department must notify the City Solicitor in writing of the facts and circumstances supporting the seizure.

(b) *Solicitor's review.*

(1) On receiving the report, the Solicitor must conduct an independent review of the facts and circumstances surrounding the seizure.

(2) If the Solicitor finds sufficient evidence that the vehicle was used in violation of this subtitle, the Solicitor must notify the vehicle's owner, by registered or certified mail, of the seizure and of the City's intent to institute forfeiture proceedings.

(3) If, on the other hand, the Solicitor finds that there is insufficient evidence to prove violation, the Solicitor must surrender the vehicle to the owner on the owner's request.

(Ord. 08-044.)

§ 7-620. Forfeiture petition; notice.

(a) *Filing; copies to parties in interest.*

If the Solicitor determines that the vehicle should be forfeited, the Solicitor must, within 90 days after the seizure of the vehicle:

(1) petition the Circuit Court for Baltimore City in the name of the City against the vehicle, as designated by make, model, year, and motor or serial number; and

(2) at the same time, send by registered or certified mail and by first class mail to the owner and any known secured party:

(i) copies of the petition; and

(ii) a notice of the time and place for a response to be filed.

(b) *Contents.*

The petition for forfeiture must contain:

(1) the name of the registered owners of the vehicle;

(2) the name of any secured party;

(3) a statement of the facts and circumstances surrounding the seizure of the vehicle;

(4) a statement of the specific grounds for forfeiture; and

(5) a request that the vehicle be forfeited to the City.

(c) *Publication of notice.*

(1) Within 7 days of the petition's filing, the Solicitor must publish notice of the seizure and forfeiture proceeding in 1 or more newspapers published in the City.

(2) The notice must:

(i) state the substance and object of the forfeiture petition; and

(ii) state that any person claiming an interest in the seized vehicle must file a defense to the petition within 15 days of the date of the notice.

(Ord. 08-044.)

§ 7-621. Answer to petition.

(a) *When to be made.*

Any defense to the petition must be filed within 15 days after publication of the notice.

(b) *How to be made.*

(1) All defenses to a petition for forfeiture must be made by answer.

(2) The answer must:

(i) comply with the Maryland Rules of Procedure as to form and contents;

(ii) be divided into numbered paragraphs, each containing a separate and distinctive averment; and

(iii) respond to each material allegation contained in the petition, specifically admitting, denying, or explaining the facts alleged, unless the respondent is without knowledge or an admission or explanation would tend to incriminate the respondent, in either of which events the respondent must so state and that statement will operate as a denial.

(c) *Effect.*

(1) Every allegation in the petition that is not denied in the answer is considered admitted, except as to persons unknown.

(2) New or affirmative matter alleged in the answer is considered denied or avoided by the petitioner without the need of any replication, unless the court orders otherwise.

(Ord. 08-044.)

§ 7-622. Early retrieval by owner.

(a) *Appraisal of vehicle.*

(1) If the owner of the seized vehicle wants to repossess it before the petition is decided, the Clerk of the Circuit Court must have an appraisal made.

(2) The appraisal must be in writing, under oath, to the Clerk of the Circuit Court.

(b) *Owner to submit bond.*

(1) When the appraisal is filed, the owner may post a bond, payable to the City, in an amount equal to:

(i) all court costs that may accrue; plus

(ii) the greater of:

(A) the appraised value of the vehicle;

(B) the aggregate amount of the liens on the vehicle, as shown in the records required by law for the notice or perfection of liens; or

(C) $500.

(2) The bond must have security approved by the Clerk and be conditioned for performance on the final judgment of the Circuit Court. If a petition for forfeiture has been filed, the bond must be filed in the Circuit Court for Baltimore City.

(c) *Judgment on bond.*

If the court directs that the vehicle be forfeited, judgment may be entered against the obligors on the bond, without further or other proceeding, to be discharged by the payment of the appraised value of the vehicle and court costs, on which judgment execution may be issued.
(Ord. 08-044.)

§ 7-623. Order of forfeiture.

(a) *In general.*

(1) If the court determines that the vehicle should be forfeited, the court must order the vehicle forfeited to the City.

(2) If, however, the court determines that the vehicle is subject to a bona fide recorded security interest created without the knowledge that the vehicle was being or was to be used in violation of this subtitle, the court must order that the vehicle be released within 5 days to the secured party of record.

(b) *Disposition of vehicle subject to security interest.*

(1) The secured party must sell the vehicle in a commercially reasonable manner.

(2) Any sale ordered under this section must be made for cash and must vest in the purchaser a clear and absolute title to the vehicle.

(3) The proceeds of the sale must be applied as follows:

(i) to the court costs of the forfeiture proceedings;

(ii) to the balance due to the secured party, including all reasonable costs incident to the sale;

(iii) to payment of all other expenses of the proceedings for forfeiture, including expenses of seizure, maintenance, or custody; and

(iv) to the general funds of the City.

(c) *Disposition of forfeited vehicle.*

Any vehicle that has been ordered forfeited to the City may be:

(1) sold as provided in City Code Article 31, Subtitle 31, Part 5; or

(2) destroyed.

(d) *Proceeds of bond.*

The proceeds of any bond posted to regain possession of the vehicle must be applied as provided for proceeds of sale under subsection (b)(3) of this section.

(Ord. 08-044.)

§ 7-624. Order of release.

If, after a full hearing, the court determines that the vehicle should not be forfeited, the court must order the vehicle released.

(Ord. 08-044.)

§§ 7-625 to 7-626. *{Reserved}*

PART IV. ENFORCEMENT; PENALTIES

§ 7-627. Grants for reports of violations.

(a) *In general.*

The City Housing Commissioner must establish a grants program for rewarding community and neighborhood associations that have registered for this purpose with the Housing Commissioner and have been designated by citizens reporting illegal disposal or other violations of this subtitle.

(b) *Grant awards.*

(1) Funds for these grants are as provided in the Ordinance of Estimates.

(2) The amount of the grants, the criteria for allocating and awarding them, and the purposes for which they may be used are as set forth in the rules and regulations adopted by the Commissioner.

(Ord. 09-202.)

§ 7-628. Liability for costs and expenses.

Any person who, in violation of § 7-608 {"Dumping on public property"} of this subtitle or in violation of any other provision of law, dumps or otherwise disposes of matter in or on property owned, leased, or controlled by the City is liable to the City for the costs of:

(1) removing the matter dumped or disposed of; and

(2) repairing any damage caused by the dumping or disposal.
(Ord. 11-478; Ord. 12-065.)

§§ 7-629 to 7-630. ***{Reserved}***

§ 7-631. Enforcement by Environmental or Civil Citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(Ord. 99-548; Ord. 03-595; Ord. 08-044; Ord. 09-202.)

§ 7-632. Criminal penalties.

(a) *Basic penalty: $1,000 and 90 days.*

Except as specified in subsection (b) of this section, any person who violates any provision of this subtitle or who authorizes any employee or agent to violate any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to any one or more of the following for each offense:

(1) a fine of not more than $1,000; and

(2) imprisonment for not more than 90 days.

(b) *Enhanced penalty: $1,000 and 12 months.*

If the violation entails the disposal, in any 24-hour period, of material that weighs 25 or more pounds or material that comprises 10 or more cubic feet, the penalty for a violation of this subtitle is any one or more of the following for each offense:

(1) a fine of not more than $1,000;

(2) imprisonment for not more than 12 months; and

(3) revocation of the privilege of seeking a building permit in the City.
(City Code, 1976/83, art. 11, §136(1st sen.), art. 19, §176.) (Ord. 99-548; Ord. 08-044; Ord. 09-202; Ord. 11-478.)

SUBTITLE 7
LITTERING

§ 7-701. "Litter" defined.

"Litter" means to discard or otherwise dispose of, in any way other than as authorized by § 7-601 of this title, of small amounts of paper, beverage containers, glass, garbage, or other waste that:

(1) weigh less than 1 pound;

(2) comprise less than 1 cubic foot; and

(3) are not toxic, noxious, or otherwise a threat to the public health or safety.

(City Code, 1976/83, art. 11, §254(b), (c)(part).) (Ord. 99-548.)

§ 7-702. Littering prohibited.

No person may:

(1) litter on any public or private property; or

(2) permit the accumulation of litter on any property under that person's control.

(City Code, 1976/83, art. 11, §264(c).) (Ord. 99-548.)

§ 7-703. Material from vehicle.

The registered owner of a vehicle is prima facie responsible for any litter disposed of from that vehicle.

(Ord. 08-044.)

§ 7-704. *{Reserved}*

§ 7-705. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548; Ord. 03-595.)

§ 7-706. Penalties: $500

(a) *In general.*

Any person who violates this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of $500 for each offense.

(b) *Each day a separate offense.*

Each day a violation continues is a separate offense.
(Ord. 99-548; Ord. 08-040.)

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TITLE 8
AIR POLLUTION

SUBTITLE 1
PROHIBITED EMISSIONS

§ 8-101. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *Air pollution.*

"Air pollution" means the presence in the outdoor atmosphere of any odor, solid, vapor, liquid, gas, or other substance in such quantities and of such duration that it:

(1) can be predicted with reasonable certainty to be injurious to property or to human, plant, or animal life; or

(2) unreasonably interferes with the proper enjoyment of the property of others or with the comfort of the public.
(Ord. 99-548.)

(c) *Emission standard.*

(1) "Emission standard" means a requirement that limits the quantity, quality, rate, or concentration of emissions from a source.

(2) "Emission standard" includes any requirement that relates to the operation or maintenance of a source to assure continuous emission reduction.
(Ord. 99-548.)

(d) *Source.*

"Source" means any equipment, process, structure, space, material, or activity that contributes to air pollution.
(Ord. 99-548.)

§ 8-102. Commissioner's powers.

(a) *Surveys, studies, etc.*

The Commissioner of Health may undertake surveys, investigations, studies, and like activities to determine the condition of the air in the City and how best to improve that condition.

(b) *Setting emission standards.*

In the rules and regulations that the Commissioner adopts under § 2-106 of this article, the Commissioner may set emission standards and adopt procedures for implementing and enforcing those standards.

(City Code, 1976/83, art. 11, §§8, 11.) (Ord. 99-548.)

§§ 8-103 to 8-104. ***{Reserved}***

§ 8-105. Prohibited conduct.

No person may operate or use any source, whether indoors or outdoors, static or mobile, that contributes to air pollution in any way or amount that exceeds emission standards:

(1) set by federal or state law or regulation; or

(2) set by the Commissioner.

(City Code, 1976/83, art. 11, §7.) (Ord. 99-548.)

§ 8-106. Order to correct conditions.

Whenever as the result of an investigation or study, the result of a complaint, or otherwise, the Commissioner of Health finds that any source is contributing to air pollution in excess of that permitted by law, the Commissioner may issue a written notice to the owner or operator of that source and order the owner or operator to remove or control the cause of the emission in the manner and within the time specified in the notice.

(City Code, 1976/83, art. 11, §10.) (Ord. 99-548.)

SUBTITLE 2
OPEN BURNING

§ 8-201. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(City Code, 1976/83, art. 11, §18(intro).) (Ord. 99-548.)

(b) *Open burning*.

"Open burning" means any fire or smoke-producing process that emits particulates or gases directly into the atmosphere without passing through any air pollution control equipment.
(City Code, 1976/83, art. 11, §18(a), (f).) (Ord. 99-548.)

(c) *Waste.*

"Waste" has the meaning stated in §7-101 of this article.
(Ord. 99-548.)

§ 8-202. Purpose of subtitle.

(a) *Findings and policy.*

Because open burning can be a major contributor to air pollution in Baltimore City, the City's policy is to eliminate or control pollution from open burning to protect the health, welfare, and property of the people of the City.

(b) *Commissioner to regulate.*

For this reason, the Commissioner of Health may regulate open burning.
(City Code, 1976/83, art. 11, §17.) (Ord. 99-548.)

§ 8-203. Open burning prohibited.

Except as specified in § 8-204 {"Exceptions"} of this subtitle, no person may permit or carry on any open burning of waste.
(City Code, 1976/83, art. 11, §19.) (Ord. 99-548.)

§ 8-204. Exceptions.

(a) *Outdoor cooking.*

The use of outdoor grills and fireplaces to prepare food is permitted unless prohibited by the Fire Department.

(b) *Disposal of explosives.*

The open burning of highly explosive or other dangerous materials for which there is no other known method of disposal or under other unusual circumstances is permitted if, on written request, the burning is:

(1) approved by the Commissioner and the Chief of the Fire Department; and

(2) done under the supervision of the Fire Department.

(c) *Training.*

The open burning of solid, liquid, or gaseous fuels, materials, or buildings is permitted if done for training purposes under the direct control and supervision of Fire Department instructors.

(d) *Salamanders, etc.*

Unless prohibited by the Fire Department, the use of salamanders or similar devices by construction or other workers for heat is permitted if:

(1) no smoke violation or other nuisance is created; and

(2) the salamander or other device is of a type approved by the Chief of the Fire Department.

(e) *Emergencies.*

In an emergency declared by the Commissioner, the open burning of household and normal business waste is permitted if it is done in compliance with the conditions and requirements that the Commissioner specifies for the emergency.

(City Code, 1976/83, art. 11, §20.) (Ord. 99-548.)

SUBTITLE 3
PENALTIES.

§ 8-301. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this title may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this title does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548; Ord. 03-595.)

§ 8-302. Penalties: $1,000.

(a) *In general.*

Any person who violates any provision of this title is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $1,000 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

(City Code, 1976/83, art. 11, §§10(2nd sen.), 16, 21.) (Ord. 99-548.)

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TITLE 9
NOISE REGULATION

SUBTITLE 1
DEFINITIONS; GENERAL PROVISIONS

§ 9-101. Definitions.

(a) *In general.*

In this title, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *Impulse sound.*

"Impulse sound" means a short burst of acoustical energy such as that produced by weapons fire, a punch press, or a drop hammer. A pressure time history of a single impulse includes a rapid rise to a maximum peak pressure followed by a somewhat slower decay, both occurring within 1 second.
(City Code, 1976/83, art. 11, §230(g)(1).) (Ord. 99-548.)

(c) *Motor vehicle.*

"Motor vehicle" has the meaning stated in § 11-135 of the State Transportation Article {"Maryland Vehicle Law"}.
(City Code, 1976/83, art. 11, §230(c).) (Ord. 99-548.)

(d) *Noise.*

"Noise" means any steady-state or impulse sound that occurs on either a continuous or intermittent basis.
(City Code, 1976/83, art. 11, §230(f).) (Ord. 99-548.)

(e) *Peak pressure.*

"Peak pressure" is the sound level in decibels of an impulse sound measured with sound instrumentation that uses the flat response or linear scale.
(City Code, 1976/83, art. 11, §230(e).) (Ord. 99-548.)

(f) *Steady-state sound.*

"Steady-state sound" means a periodic or random variation, with a duration of more than 1 second, in atmospheric pressure at audible frequencies.
(City Code, 1976/83, art. 11, §230(g)(2).) (Ord. 99-548.)

§ 9-102. Construction of title.

(a) *Liberal construction.*

This title is to be liberally construed to effectuate its purposes.

(b) *Conflict with federal or state law.*

This title is not to be construed to permit anything that is prohibited by any other federal, state, or local law or regulation.

(City Code, 1976/83, art. 11, §230(g)(2).) (Ord. 99-548.)

§ 9-103. Exemptions.

(a) *In general.*

This title does not apply to any of the following:

(1) motor vehicles, aircraft, or other equipment used in an emergency by any government agency or by any public service company, as defined in State Code Article 78; or

(2) warning devices necessary for public safety, such as train horns and police, fire, and ambulance sirens.

(b) *Qualified exemptions.*

This title does not apply to the following, except as specifically stated in this title or where standards are set by the Commissioner's rules or regulations:

(1) motor vehicles; or

(2) the construction, repair, or demolition of a structure or street.

(City Code, 1976/83, art. 11, §231.) (Ord. 99-548.)

§ 9-104. Rules and regulations.

(a) *Commissioner may adopt.*

The rules and regulations that the Commissioner adopts under § 2-106 of this article may include provisions that set:

(1) standards and procedures for measuring noise;

(2) noise standards for motor vehicle operation;

(3) noise standards for the construction, repair, or demolition of structures or streets;

(4) standards, limitations, and procedures for obtaining a temporary exemption authorized by Subtitle 2 {"Basic Sound Level Standards"} or Subtitle 3 {"Entertainment and Commercial Noise"} of this title; and

(5) other noise standards that the Commissioner considers necessary and appropriate for the protection of the public.

(b) *Public hearing.*

(1) Before adopting any rules or regulations under this section, the Commissioner must hold a public hearing at which all interested persons are given an opportunity to testify on any proposed standard and to submit alternative proposals for the Commissioner's consideration.

(2) Notice of the hearing must be published in a newspaper of general circulation in Baltimore City, at least once a week for the 2 successive weeks immediately before the hearing.

(City Code, 1976/83, art. 11, §232(d).) (Ord. 99-548.)

SUBTITLE 2
BASIC SOUND LEVEL STANDARDS

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 9-201. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *Decibel or dB.*

(1) "Decibel" or "dB" means the unit of measurement of relative sound intensity equal to 20 times the logarithm to the base 10 of the ratio of the effective sound pressure to a reference pressure of 20 micronewtons per square meter.

(2) In formula,

$$dB = 20 \text{ Log}_{10} P/P_0$$

where P is the average pressure of the measured sound, and P_0 indicates the reference pressure considered to be the weakest audible pressure a young ear can detect under ideal listening conditions.
(City Code, 1976/83, art. 11, §230(a).) (Ord. 99-548.)

(c) *Person.*

"Person" includes, except as used in § 9-218 {"Penalties"} of this subtitle, a governmental entity or an instrumentality or unit of a governmental entity.
(Ord. 99-548.)

(d) *Sound Level A or db(A).*

"Sound level A" or "dB(A)" is the sound level in decibels, measured with a sound level meter that uses the A-weighting network or scale, as specified in ANSI S1.4 ("Specification for Sound Level Meters"), as amended from time to time.
(City Code, 1976/83, art. 11, §230(d).) (Ord. 99-548.)

(e) *Use.*

"Use" means any activity, occupation, business, or operation that is conducted on land or in or on a street, building, pier, wharf, or other structure.
(City Code, 1976/83, art. 11, §230(h)(1st sen.).) (Ord. 99-548.)

(f) *Zone, commercial.*

"Zone, commercial" means any of the following zoning districts, as established under the Zoning Code of Baltimore City:

(1) all business zoning districts; and

(2) all M-1 industrial zoning districts.

(City Code, 1976/83, art. 11, §230(i)(2).) (Ord. 99-548.)

(g) *Zone, manufacturing.*

"Zone, manufacturing" means all M-2 and M-3 industrial zoning districts, as established under the Zoning Code of Baltimore City.

(City Code, 1976/83, art. 11, §230(i)(1).) (Ord. 99-548.)

(h) *Zone, residential.*

"Zone, residential" means any of the following zoning districts, as established under the Zoning Code of Baltimore City:

(1) all residence zoning districts; and

(2) all office-residence zoning districts.

(City Code, 1976/83, art. 11, §230(i)(3).) (Ord. 99-548.)

§ 9-202. Declaration of findings and policy.

(a) *Findings.*

The Mayor and City Council finds that excessive or unnecessary noise in the City is a menace to the welfare and prosperity of the people of the City.

(b) *Policy.*

It is the public policy of the City that:

(1) everyone is entitled to an ambient noise level that is not detrimental to life, health, or enjoyment of property;

(2) the ambient noise level in the City should be controlled and reduced:

(i) to promote the public health, safety, and welfare and the peace and quiet of the City's inhabitants; and

(ii) to facilitate the enjoyment of the City's natural attractions; and

(3) to those ends, standards for noise must be set and enforced, as provided in this subtitle.

(City Code, 1976/83, art. 11, §229(1st, 2nd pars.).) (Ord. 99-548.)

§§ 9-203 to 9-204. *{Reserved}*

PART II. MAXIMUM SOUND LEVELS

§ 9-205. In general.

(a) *Prohibited conduct.*

(1) No person may cause or permit a sound level that exceeds the applicable level specified in this subtitle.

(2) No person may cause or permit a sound level from the construction, repair, or demolition of a structure or street that exceeds any applicable level set by a rule or regulation of Commissioner, except in accordance with a temporary exemption permit or as necessary to do emergency work.

(3) No person may operate a motor vehicle so as to exceed any applicable sound level set by a rule or regulation of the Commissioner.

(4) No person may use a vehicle horn except:

(i) as reasonably necessary to assure safe operation; or

(ii) as an emergency warning signal.

(b) *Measurements.*

For sound levels set in this subtitle, measurements must be made with instruments calibrated by means of accepted acoustical techniques to an accuracy of plus or minus 1 dB(A).

(City Code, 1976/83, art. 11, §§235(a), (e), 238(a). (b), (e).) (Ord. 99-548.)

§ 9-206. Limits.

(a) *In general.*

(1) Except as otherwise specified in this subtitle, the maximum permissible sound levels are as set in this section for the applicable zone.

(2) Where the property line of a use coincides with a zone boundary, the level specified in this section for the zone boundary controls.

(3) Where the use is on a public street, the "property line" referred to in this section is the boundary of the public right-of-way.

(b) *Manufacturing zones.*

If the sound is from a use in a manufacturing zone, the maximum permissible sound level is:

(1) 75 dB(A) at any point on the property line of the use;

(2) 70 dB(A) at any point on a boundary that separates the manufacturing zone from a commercial zone; and

(3) 70 dB(A) at any point on a boundary that separates the manufacturing zone from a residential zone.

(c) *Commercial zones.*

If the sound is from a use in a commercial zone, the maximum permissible sound level is:

(1) 61 dB(A) at any point on the property line of the use;

(2) 64 dB(A) at any point on a boundary that separates the commercial zone from a manufacturing zone; and

(3) 58 dB(A) at any point on a boundary that separates the commercial zone from a residential zone.

(d) *Residential zone.*

If the sound is from a use in a residential zone, the maximum permissible sound level is:

(1) 55 dB(A) at any point on the property line of the use;

(2) 61 dB(A) at any point on a boundary that separates the residential zone from a manufacturing zone; and

(3) 58 dB(A) at any point on a boundary that separates the residential zone from a commercial zone.

(City Code, 1976/83, art. 11, §235(b), (c).) (Ord. 99-548.)

§ 9-207. Nighttime sound reductions.

Between the hours of 9 p.m. and 7 a.m., the maximum permissible sound specified in § 9-206 {"Limits"} of this subtitle must be reduced by 5 dB(A) for any use that:

(1) borders on a residential zone; or

(2) except for the level permitted by § 9-206(d)(2) of this subtitle, is in a residential zone.

(City Code, 1976/83, art. 11, §236(a).) (Ord. 99-548.)

§ 9-208. Permitted deviations.

(a) *Short, durational deviations.*

The maximum permissible sound levels specified in § 9-206 {"Limits"} of this subtitle may be exceeded by no more than:

(1) 5 dB(A) for a total of not more than 12 minutes in any 1-hour period;

(2) 10 dB(A) for a total of not more than 3 minutes in any 1-hour period; or

(3) 15 dB(A) for a total of not more than 30 seconds in any 1-hour period.

(b) *Home activities — vehicle repairs; power tools.*

Noncommercial vehicular repairs and the use of home workshops, power tools, and power garden equipment are allowed:

(1) between the hours of 7 a.m. and 9 p.m. on weekdays; and

(2) between the hours of 10 a.m. and 10 p.m. on weekends and legal holidays.

(c) *Home activities — air conditioners; heat pumps.*

Air conditioning and heat pump equipment used to cool or heat housing on residential property may exceed the maximum sound levels specified in § 9-206 {"Limits"} of this subtitle as long as the sound level does not exceed:

(1) for air conditioning equipment, 70 dB(A) at any point on the property line of any other residential property; and

(2) for heat pump equipment, 75 dB(A) at any point on the property line of any other residential property.

(City Code, 1976/83, art. 11, §236(b), (d).) (Ord. 99-548.)

§ 9-209. Temporary exemptions.

(a) *In general.*

When in the public interest, the Commissioner of Health may grant a temporary exemption from the maximum permissible sound levels specified in this subtitle.

(b) *Application and fee*.

(1) An application for a temporary exemption must be made in the form that the Commissioner requires.

(2) In addition to any other information that the Commissioner requires, the application must contain:

(i) the name of the applicant;

(ii) the location of the property for which the exemption is requested;

(iii) the dates and hours for which the exemption is requested;

(iv) the equipment, instruments, or devices that will be producing the sound;

(v) the name of the person in charge of operating the equipment, instruments, or devices; and

(vi) a statement of the reason the exemption is needed or appropriate.

(c) *Form and contents of exemption.*

A temporary exemption must:

(1) be in writing;

(2) be signed by the Commissioner; and

(3) set forth:

(i) the name of the person granted the exemption;

(ii) the location of the property for which the exemption is granted;

(iii) the dates and hours for which the exemption is effective;

(iv) the equipment, instruments, or devices to which the exemption is limited; and

(v) any conditions or requirements that the Commissioner specifies.

(d) *Exemption limitations.*

A temporary exemption:

(1) may be granted only for a period that is reasonable in view of all the facts, but in no case for more than 30 days;

(2) may not be granted more than 3 times in any 1 calendar year for the same location; and

(3) may not permit its holder to exceed the maximum permissible sound levels specified in this subtitle by more than 25 dB(A).

(City Code, 1976/83, art. 11, §239.) (Ord. 99-548.)

§§ 9-210 to 9-211. ***{Reserved}***

PART III. ENFORCEMENT

§ 9-212. Notice of violation.

(a) *In general.*

If the Commissioner of Health believes that any provision of this subtitle has been violated, the Commissioner may issue a written notice to the alleged violator.

(b) *Contents of notice and order.*

The notice must:

(i) specify the nature and facts of the violation, including the dB(A) readings noted and the time and place of their detection; and

(ii) order corrective action to be taken within the time the Commissioner specifies.
(City Code, 1976/83, art. 11, §240(a)(parts).) (Ord. 99-548.)

§ 9-213. Enforcement by Commissioner.

If corrective action is not taken within the time specified in the notice, the Commissioner may institute injunctive or other legal proceedings in a court of competent jurisdiction
(City Code, 1976/83, art. 11, §§240(c), 242(b).) (Ord. 99-548.)

§ 9-214. Private actions; civil damages.

(a) *Private action to enforce.*

(1) Subject to paragraph (2) of this subsection, any person may bring a civil action against any person who is in violation of a noise control requirement of this subtitle.

(2) An action under this subsection may not be brought:

(i) before 60 days after the complainant has given notice of the violation to the Commissioner and to the alleged violator; or

(ii) while the Commissioner is diligently prosecuting a civil action to require the alleged violator to comply with this subtitle.

(b) *Action for civil damages*.

Nothing in this subtitle limits the right of any person to damages or other relief for injury to person or property.
(City Code, 1976/83, art. 11, §§240(d), 242(c).) (Ord. 99-548.)

§§ 9-215 to 9-216. *{Reserved}*

PART IV. PENALTIES

§ 9-217. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(Ord. 99-548; Ord. 03-595.)

§ 9-218. Penalties: $1,000.

(a) *In general.*

Any person who neglects, refuses, or otherwise fails to comply with a notice issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $1,000 for each offense.

(b) *Each day a separate offense.*

Each day a violation continues is a separate offense.
(City Code, 1976/83, art. 11, §242(a).) (Ord. 99-548.)

SUBTITLE 3
ENTERTAINMENT AND COMMERCIAL NOISE

PART I. GENERAL PROVISIONS

§ 9-301. Declaration of findings and intent.

(a) *Findings.*

Having received an increasing number of complaints from citizens about noise and having made certain observations of the subject, the Mayor and City Council of Baltimore finds that:

(1) excessive noise, when unnecessary for religious, political, civic, commercial, or other constitutionally protected activities or when not generated in the course of other activity needed to carry on daily life, creates a significant threat to the public health, safety, and welfare in an area as densely populated as Baltimore City;

(2) the noises most obnoxious to the public health, safety, and welfare and least necessary for any constitutionally protected or otherwise necessary activity are those that are loud, boisterous, raucous, or unseemly or that are generated solely for the purpose of entertainment, without regard to the health, welfare, and safety of others who, because of population density, are unable to avoid being subjected to those noises; and

(3) an alarming increase is occurring in the frequency and volume of this sort of noise, particularly from loud parties and from the plethora of portable sound-producing and reproducing devices available today.

(b) *Intent.*

The Mayor and City Council intend this subtitle, therefore, to serve as a vehicle for the control and regulation of noises that pose a threat to the health, safety, or welfare of the citizens of Baltimore. One part of this subtitle regulates noises generated solely for entertainment purposes. Another balances the public interest in regulating certain types of noisy commercial advertising to protect the public health, safety, and welfare, on the one hand, against the interests of the commercial establishments employing that advertising, on the other.

(City Code, 1976/83, art. 19, §220(parts).) (Ord. 99-548.)

§ 9-302. Scope of subtitle.

(a) *Commercial, etc., speech.*

This subtitle applies to commercial, religious, political, civic, or free speech activities only:

(1) where the application is clearly indicated; or

(2) where religious, fraternal, civic, political, charitable, or civic organizations provide entertainment, as in the case of "fund raisers" or similar activities.

(b) *Exemptions from subtitle.*

This subtitle does not apply to:

(1) City-sponsored events in public parks;

(2) sound equipment used at any professional sports stadium; or

(3) any public service company, as defined in State Code Article 78.

(City Code, 1976/83, art. 19, §§220(parts), 221(d).) (Ord. 99-548.)

§ 9-303. Temporary exemptions.

(a) *In general.*

The Commissioner of Health may issue a permit for a temporary exemption from this subtitle for commercial, political, civic, charitable, or other organizations to conduct activities such as fund raisers, carnivals, bazaars, meetings, and other special events.

(b) *Application.*

(1) An application for a temporary exemption must be made in the form that the Commissioner requires.

(2) In addition to any other information that the Commissioner requires, the application for must contain:

(i) the name of the applicant;

(ii) the location of the property for which the exemption is requested;

(iii) the dates and the hours for which the exemption is requested;

(iv) the equipment, instruments, or devices that will be producing the sound;

(v) the name of the person in charge of operating the equipment, instruments, or devices; and

(vi) a statement of the reason the exemption is needed or appropriate.

(c) *Considerations.*

Before issuing a temporary exemption, the Commissioner must consider the impact of the proposed activity on the surrounding area.

(d) *Form and contents of exemption.*

A temporary exemption must:

(1) be in writing;

(2) be signed by the Commissioner; and

(3) set forth:

(i) the name of the person granted the exemption;

(ii) the location of the property for which the exemption is granted;

(iii) the dates and hours for which the exemption is effective;

(iv) the equipment, instruments, or devices to which the exemption is limited; and

(v) any conditions or requirements that the Commissioner specifies.

(City Code, 1976/83, art. 19, §223.) (Ord. 99-548.)

§§ 9-304 to 9-305. ***{Reserved}***

PART II. ENTERTAINMENT NOISE

§ 9-306. Prohibited conduct — in general.

Except as authorized under § 9-303 {"Temporary exemptions"} of this subtitle, no person may play, operate, or permit to be played or operated any radio, musical instrument, phonograph, tape- or compact disc-player, or other device for the production or reproduction of sound if:

(1) that sound is used or intended for entertainment; and

(2) either:

(i) the device is in a building or other structure or in a vehicle, and the sound can be heard more than 50 feet away from the building, structure, or vehicle or, if further, 50 feet from the boundaries of the property surrounding the building or structure;

(ii) the device is in or on a public street, building, park, or other public area, in or on a public access area, such as a shopping mall, parking lot, etc., or on any private property and the sound can be heard more than 50 feet from its source; or

(iii) the device is being played between 10 p.m. and 8 a.m. in or on a public street, unless the person is participating in a school band or a licensed parade or has otherwise been authorized to play the device.

(City Code, 1976/83, art. 11, §238(d), art. 19, §221(a).) (Ord. 99-548.)

§ 9-307. Prohibited conduct —parents or guardians of minors.

A parent or guardian may not knowingly permit a minor for whom the parent or guardian is responsible to violate § 9-306 {"Prohibited conduct — in general"} of this subtitle.

(City Code, 1976/83, art. 19, §221(c)(3)(i).) (Ord. 99-548.)

§ 9-308. Presumptions.

(a) *Devices indoors.*

If the device is located in a building or other structure or in a vehicle, the owner, occupant, resident, manager, operator, or other person in charge of the premises or vehicle, if present, is presumed to be responsible in the absence of evidence to the contrary.

(b) *Devices outdoors.*

If the device is outdoors, the person possessing it is presumed to be responsible in the absence of evidence to the contrary.

(City Code, 1976/83, art. 19, §221(b).) (Ord. 99-548.)

§ 9-309. Violations by minors.

(a) *Order to stop.*

A police officer who finds any minor violating § 9-306 {"Prohibited conduct — in general"} of this subtitle must order the minor to stop the violation.

(b) *Failure to comply.*

(1) If the minor fails to comply with the order, the police officer may take him or her into custody.

(2) After the information necessary to carry out the purposes of this subtitle has been recorded, the minor must be:

(i) promptly released to his or her parent or guardian, with written notice to the parent or guardian of the violation; and

(ii) referred to the Baltimore City Police Department's court sanctioned pre-intake adjustment program.

(City Code, 1976/83, art. 19, §221(c)(1), (2).) (Ord. 99-548.)

§§ 9-310 to 9-311. *{Reserved}*

PART III. COMMERCIAL NOISE

§ 9-312. Loudspeakers, etc.

(a) *In general.*

No commercial enterprise may broadcast over a loudspeaker or other device so that the sound can be heard more than 100 feet from the boundaries of the building or property where the device is located or, if the device is in a vehicle, more than 100 feet from that vehicle.

(b) *Presumption.*

The owner, manager, operator, or other person in charge of the building, premises, or vehicle from which the sound emanates is presumed to be responsible in the absence of evidence to the contrary.

(City Code, 1976/83, art. 19, §222.) (Ord. 99-548.)

§ 9-313. Outcrying.

(a) *Restricted hours.*

Except as specified in subsection (b) of this section, no person may sell anything by outcry between 10 p.m. and 8 a.m.

(b) *Sporting events, etc.*

This section does not apply to the sale of merchandise, food, or beverages at licensed sporting events, parades, fairs, circuses, and similar, licensed entertainment events.

(City Code, 1976/83, art. 11, §238(c).) (Ord. 99-548.)

§§ 9-314 to 9-315. *{Reserved}*

PART IV. PENALTIES

§ 9-316. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548; Ord. 03-595.)

§ 9-317. Penalties.

(a) *In general.*

Any person who violates any provision of this subtitle or of a rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, subject to the penalties specified in this section.

(b) *Entertainment noise — adult offenders: $500 and 30 days.*

For an adult who violates § 9-306 {"Prohibited conduct — in general"} of this subtitle, the penalty is a fine of not more $500 or imprisonment for not more than 30 days or both fine and imprisonment for each offense.

(c) *Entertainment noise — parent or guardian of minor: $100.*

For a parent or guardian who violates § 9-307 {"Prohibited conduct —parents or guardians of minors"} of this subtitle within 12 months after receiving written notice of the minor's having violated § 9-306 {"Prohibited conduct — in general"} of this subtitle, the parent or guardian is subject to a fine of not more than $100 for each offense.

(d) *Commercial noise — Outcrying: $1,000.*

For any violation of § 9-313 {"Outcrying"} of this subtitle, the penalty is a fine of not more than $1,000 for each offense.

(e) *Commercial noise — Loudspeakers: $1,000 and 60 days.*

(1) For any violation of § 9-312 {"Loudspeakers, etc."} of this subtitle, the penalty is a fine of not more than $1,000 or imprisonment for not more than 60 days or both fine and imprisonment for each offense.

(2) Every day that a violation continues is a separate offense.

(Ord. 99-548.)

SUBTITLE 4
AMPLIFIED SOUNDS IN MARKET CENTER

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 9-401. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *Commercial speech.*

"Commercial speech" means speech or sound intended to promote any business or other activity carried on for profit.
(City Code, 1976/83, art. 19, §225(d).) (Ord. 99-548.)

(c) *Market Center Urban Renewal Area.*

"Market Center Urban Renewal Area" means the urban renewal area established by the Market Center Urban Renewal Plan.
(Ord. 99-548.)

(d) *Publicly amplified sound.*

"Publicly amplified sound" means any radio, phonograph, tape- or compact disc-player, loudspeaker, or other device that:

(1) electronically produces, reproduces, or amplifies the human voice or other sound; and

(2) is located:

(i) on public property; or

(ii) on private property, but either:

(A) in an unenclosed area; or

(B) if in an enclosed area, within 9 feet of the nearest outside edge of the enclosed area.
(City Code, 1976/83, art. 19, §225(a).) (Ord. 99-548.)

§ 9-402. Declaration of findings and intent.

(a) *Importance of Market Center.*

(1) The Mayor and City Council finds that the Market Center Urban Renewal Area serves the City in many important and irreplaceable ways. Most obviously, the area is a heavily used

and essential retail and office district, providing job and shopping opportunities for countless thousands of City residents.

(2) Equally important, however, is the traditional role that the area serves as a public forum for many diverse kinds of City residents. On any given day, dozens of people come to the district to promote their ideas on a wide variety of topics.

(b) *Amplified sounds as hindrance.*

(1) The Mayor and City Council further finds that publicly amplified sounds have hindered the use of the Market Center Urban Renewal Area, both as a shopping, office, and employment center and as a marketplace for the exchange of ideas.

(2) While recognizing that, in some instances, the reasonable use of amplification equipment facilitates the exchange of ideas, the Mayor and City Council finds that the indiscriminate use of this equipment in the Market Center has created a condition demonstrably injurious to the health, welfare, and safety of the citizens of Baltimore.

(3) Specifically, the Mayor and City Council finds that publicly amplified sound:

(i) can be injurious to the health of those exposed to it;

(ii) when coming from or near a first floor business, impairs the use of offices above that business;

(iii) deters people from coming to the Market Center to shop, work, and exchange ideas;

(iv) hinders efforts to attract new businesses to the Market Center;

(v) can be hazardous to pedestrians and motorists in the Market Center; and

(vi) aggravates an already-existing din that is caused by the architecture, building arrangement, proximity of businesses, and topography of the area and that is at its worst between 11 a.m. to 3 p.m.

(c) *Intent.*

Through the enactment of this subtitle, the Mayor and City Council intends:

(1) to promote the use of the retail district both as a shopping, office, and employment center and as a marketplace for the exchange of ideas; and

(2) to control the negative effects of publicly amplified sounds while allowing reasonable use of electronic amplification equipment.

(City Code, 1976/83, art. 19, §224.) (Ord. 99-548.)

§ 9-403. Scope of subtitle.

(a) *In general.*

With respect to publicly amplified sounds in the Market Center Urban Renewal Area, this subtitle supersedes all other noise regulations of the City Code.

(b) *Public service companies excepted.*

This subtitle does not apply work performed by a public service company, as defined in State Code Article 78.

(City Code, 1976/83, art. 19, §§226, 227.) (Ord. 99-548.)

§§ 9-404 to 9-405. *{Reserved}*

PART II. GENERAL REGULATIONS

§ 9-406. Commercial speech.

(a) *Prohibited during certain hours.*

In the Market Center Urban Renewal Area, between 11 a.m. and 3 p.m., Monday through Saturday, no person may use any publicly amplified sound that contains commercial speech.

(b) *Permit required for other times.*

At all other times in the Market Center Urban Renewal Area, no person may use any publicly amplified sound that contains commercial speech without a permit to do so from the Commissioner.

(City Code, 1976/83, art. 19, §§228, 229(b)(1st sen.).) (Ord. 99-548.)

§ 9-407. Noncommercial speech.

At all times in the Market Center Urban Renewal Area, no person may use any publicly amplified sound not containing commercial speech without a permit to do so from the Commissioner.

(City Code, 1976/83, art. 19, §229(a)(1st sen.).) (Ord. 99-548.)

§ 9-408. Loud and raucous sounds prohibited.

All loud and raucous sound is prohibited in the Market Center Urban Renewal Area. The receipt of a permit is not a defense to a charge of producing or causing any loud and raucous sound.

(City Code, 1976/83, art. 19, §229(e).) (Ord. 99-548.)

§§ 9-409 to 9-411. *{Reserved}*

PART III. PERMITS

§ 9-412. Applications.

(a) *Form.*

An application for a permit must be made in the form that the Commissioner requires.

(b) *Contents.*

In addition to any other information that the Commissioner requires, the application must contain:

(1) the name of the applicant;

(2) the location of the property for which the permit is requested;

(3) the dates and hours for which the exemption is requested;

(4) the equipment that will be used to amplify sound; and

(5) a statement as to whether the sound will contain commercial speech.

(Ord. 99-548.)

§ 9-413. Review and issuance.

(a) *In general.*

The Commissioner must:

(1) review each application for a permit within 3 days of its submission; and

(2) on a reasonable showing that the amplifying equipment will not be used to produce loud and raucous sounds, promptly issue the permit to the applicant.

(b) *Speech content not to be considered.*

Except as needed to verify the noncommercial nature of any proposed speech, the Commissioner may not inquire into the content of the speech sought to be amplified.

(c) *Fees.*

The Commissioner may not charge a fee for the permit.

(d) *Term.*

Each permit:

(1) is valid for 60 days; and

(2) may be renewed an indefinite number of times.

(City Code, 1976/83, art. 19, §§ 229(a)(2nd sen.), (b)(2nd sen.), (c), (d), 230(a)(1st sen.).) (Ord. 99-548.)

§ 9-414. Judicial review of denied application.

(a) *Commissioner to seek review.*

Within 3 days after the Commissioner of Health denies any application for a permit, the Commissioner must:

(1) apply to the Circuit Court for Baltimore City for a review of the denial; and

(2) notify the applicant by first class mail of this action.

(b) *Absence of Court decision.*

If the Court does not render a decision within 10 days of the permit denial, the applicant may proceed as if a permit had been granted, subject to:

(1) the same restrictions and obligations that apply to permits issued under this subtitle; and

(2) immediate termination of all electronic amplification if the Court later affirms the Commissioner's denial.

(c) *Appeal of decision.*

If the Court affirms the Commissioner's denial of the permit, the Commissioner must cooperate with any motion for expedited appeal made by the applicant.

(City Code, 1976/83, art. 19, §230(a)(2nd, 3rd sens.), (b), (c), (d).) (Ord. 99-548.)

§§ 9-415 to 9-416. *{Reserved}*

PART IV. PENALTIES

§ 9-417. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548; Ord. 03-595.)

§ 9-418. Penalties: $500 and 10 days.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $500 or to imprisonment for not more than 10 days or to both fine and imprisonment for each offense.

(City Code, 1976/83, art. 19, §231.) (Ord. 99-548.)

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TITLE 10
ANIMAL CONTROL AND PROTECTION

SUBTITLE 1
GENERAL PROVISIONS

PART I. DEFINITIONS; PURPOSE

§ 10-101. Definitions.

(a) *In general.*

In this title, the following terms have the meanings indicated.
(City Code, 1976/83, art. 19, §231.) (Ord. 99-548; Ord. 11-573.)

(b) *Alter*.

"Alter" means to surgically or chemically render an animal incapable of reproducing.
(Ord. 00-024; Ord. 11-573.)

(c) *Animal.*

"Animal" means any living creature other than a human being.
(City Code, 1976/83, art. 11, §24(1).) (Ord. 99-548; Ord. 11-573.)

(d) *Animal at large.*

"Animal at large" has the meaning stated in § 10-504 of this title.
(Ord. 11-573.)

(e) *Animal clinic.*

"Animal clinic" means any facility that is regularly used by a veterinarian for the immunization, diagnosis, or treatment of or surgery on animals.
(City Code, 1976/83, art. 11, §24(2), (32).) (Ord. 99-548; Ord. 11-573.)

(f) *Animal enforcement officer.*

"Animal enforcement officer" has the meaning stated in § 10-110 {"Animal enforcement officers"} of this title.
(Ord. 11-573.)

(g) *Animal fancier.*

"Animal fancier" means a person who owns or keeps, within or adjoining a private residence, 2 or more animals for the non-commercial purposes of:

(1) breeding;

(2) hunting;

(3) tracking;

(4) exhibition in shows; or

(5) exhibition in field or obedience trials.
(Ord. 11-573.)

(h) *Animal shelter.*

"Animal shelter" means any facility that is owned or operated by or under contract with the City or a humane society for the care or detention of animals under authority of State or City law.
(City Code, 1976/83, art. 11, §24(4).) (Ord. 99-548; Ord. 11-573.)

(i) *Animal show.*

"Animal show" means any commercial circus, variety show, spectacle, display, act, or event in which animals perform.
(City Code, 1976/83, art. 11, §24(9), (25).) (Ord. 99-548; Ord. 11-573.)

(j) *{Vacant}*

(k) *Cat.*

(1) *In general.*

"Cat" means any domesticated feline.

(2) *Exclusions.*

"Cat" does not include any:

(i) wild or exotic feline; or

(ii) except as specifically stated, feral cat.
(Ord. 07-583; Ord. 11-573.)

(l) *Commercial establishment.*

(1) *In general.*

"Commercial establishment" means, except as provided in paragraph (3) of this subsection, any person engaged in the business of selling, transferring, or conveying animals or providing animal services.

(2) *Inclusions.*

"Commercial establishments" includes any:

(i) animal auction;

(ii) animal show;

(iii) commercial kennel;

(iv) commercial pet distribution or other facility where animals are held for sale at wholesale or for distribution to other commercial establishments or to zoological parks, aviaries, or aquariums;

(v) grooming establishment or similar facility where animals are cleaned, bathed, clipped, plucked, or otherwise groomed for a fee;

(vi) stable or other facility for horses;

(vii) pet shop;

(viii) petting zoo or other commercial establishment, activity, or facility that permits persons to come into physical contact with animals maintained by the establishment, activity, or facility; or

(ix) zoological park.

(3) *Exclusions.*

"Commercial establishments" does not include any:

(i) animal clinic, unless it engages in the boarding of healthy animals not currently being treated by the clinic;

(ii) animal shelter; or

(iii) animal fancier.

(City Code, 1976/83, art. 11, §24(10), (16), (30).) (Ord. 99-548; Ord. 11-573.)

(m) *Commercial kennel.*

(1) *In general.*

"Commercial kennel" means, except as specified in paragraph (2) of this subsection, any facility:

(i) for the commercial breeding of dogs or cats; or

(ii) where dogs or cats are boarded, groomed, sold, bought, or trained for a fee.

(2) *Exclusions.*

"Commercial kennel" does not include any:

(i) animal clinic, unless it engages in the boarding of healthy animals not currently being treated by the clinic;

(ii) animal shelter; or

(iii) animal fancier.

(City Code, 1976/83, art. 11, §24(11), (14), (15).) (Ord. 99-548; Ord. 11-573.)

(n) *Custodian.*

"Custodian" means a person:

(1) who temporarily or permanently provides food, shelter, and care for an animal in the absence of the owner; or

(2) who exercises control over the particular animal on a regular basis.

(Ord. 11-573.)

(o) *Dangerous animal.*

"Dangerous animal" has the meaning stated in § 10-702 of this title.

(Ord. 11-573.)

(p) *Dog.*

"Dog" means any member of the domesticated canine species.

(Ord. 11-573.)

(q) *Domesticated animal.*

"Domesticated animal" means any animal of a species that:

(1) has been bred and raised and is accustomed to live in or about the habitation of humans; and

(2) is dependent on humans for food or shelter.

(Ord. 11-573.)

(r) *Exotic Animal.*

(1) *In general.*

"Exotic animal" means:

(i) any wild animal of a species that is not indigenous to the State of Maryland; and

(ii) any other animal that the Commissioner specifies by rule or regulation.

(2) *Inclusions.*

"Exotic animal" includes any hybrid animal that is part exotic animal.

(Ord. 11-573.)

(s) *Feral cat*.

"Feral cat" means a cat that is unsocialized to humans and has a temperament of extreme fear of and resistance to contact with humans.
(Ord. 07-583; Ord. 11-573.)

(t) *Feral cat caregiver*.

"Feral cat caregiver" means any person who, in accordance with a program approved by the Commissioner to trap, alter, vaccinate for rabies and distemper, ear tip, and return feral cats:

(1) provides care, including food, shelter, or medical care, to the cat; or

(2) has temporary custody of the cat.
(Ord. 07-583; Ord. 11-573.)

(u) *Humane officer.*

"Humane officer" means an agent of a humane society who has been registered and approved by the Commissioner to perform the duties specified in this title.
(Ord. 11-573.)

(v) *Humane society.*

"Humane society" means an entity incorporated under the laws of this State for the prevention of cruelty to animals or for promoting the humane care and treatment of animals.
(City Code, 1976/83, art. 11, §24(19).) (Ord. 99-548; Ord. 11-573.)

(w) *Hybrid animal.*

"Hybrid animal" means any animal that is a cross bred between a domesticated animal, exotic animal, or wild animal.
(Ord. 11-573.)

(x) *Keep.*

"Keep" means for an owner, custodian, or occupant of real property to:

(1) feed or shelter any animal on the premises of the occupant, custodian, or owner; or

(2) to permit another to feed or shelter any animal on the premises of the occupant, custodian, or owner.
(City Code, 1976/83, art. 11, §24(20), (24).) (Ord. 99-548; Ord. 00-024; Ord. 07-583; Ord. 11-573.)

(y) *Office.*

"Office" means the Health Department's Office of Animal Control or the Office's agent.
(Ord. 11-573.)

(z) *Owner.*

"Owner" means any person who:

(1) has a right of property in the animal;

(2) is the parent or guardian of a minor who owns or possesses an animal (and, for the purposes of this title, the parent or guardian is responsible for the animal); or

(3) is the individual who has been approved for a license or permit of an animal.
(Ord. 07-583; Ord. 11-573.)

(aa) *Panel.*

"Panel" means the Animal Hearing Panel in the Department of Health.
(Ord. 11-573.)

(bb) *Pet.*

"Pet" means any animal kept primarily for pleasure rather than utility.
(City Code, 1976/83, art. 11, §24(26).) (Ord. 99-548; Ord. 11-573.)

(cc) *Pet shop.*

"Pet shop" means any establishment, whether maintained separately or in connection with another commercial enterprise, that offers live animals for sale with the intent or expectation that they be kept as pets.
(City Code, 1976/83, art. 11, §24(27).) (Ord. 99-548; Ord. 11-573.)

(dd) *Veterinarian*.

"Veterinarian" means an individual authorized by law to practice veterinary medicine in the State of Maryland.
(Ord. 99-548; Ord. 11-573.)

(ee) *Vicious animal.*

"Vicious animal" has the meaning stated in § 10-703 of this title.
(Ord. 11-573.)

(ff) *Wild animal.*

"Wild animal" means any animal that is normally found in the wild.
(Ord. 11-573.)

(gg) *Zoological park.*

(1) *In general.*

"Zoological park" means a facility in which more than 1 species of animal:

(1) is confined within enclosures; and

(2) exhibited or displayed to the public for a fee.

(2) *Inclusions.*

"Zoological park" includes an aquarium.

(3) *Exclusions.*

"Zoological park" does not include the other animal establishments listed in the definition of "commercial establishment".

(City Code, 1976/83, art. 11, §24(35).) (Ord. 99-548; Ord. 11-573.)

§ 10-102. Purpose of title.

The purpose of this title is:

(1) to provide for the health, safety, and welfare of the public;

(2) for humane care and treatment of animals;

(3) for the protection of animals from abuse , cruelty, and neglect; and

(4) for the prevention and removal of nuisances.

(Ord. 11-573.)

§ 10-103. *{Reserved}*

PART II. ADMINISTRATION

§ 10-104. Rules and regulations

The rules and regulations that the Commissioner adopts under § 2-106 of this article may include provisions:

(1) for the issuance of permits and licenses under this title;

(2) requiring the humane care of all animals;

(3) governing the general care and control of animals;

(4) governing the operation of facilities subject to this title;

(5) providing for the approval of programs to trap, alter, vaccinate for rabies, ear tip, and return feral cats;

(6) to define or further define terms used in this title; and

(7) to carry out the provisions of this title.
(City Code, 1976/83, art. 11, §§26(a), 28(b).) (Ord. 99-548; Ord. 07-583; Ord. 11-573.)

§ 10-105. Mayor's Anti-Animal Abuse Advisory Commission.

The Commissioner may request the Mayor's Anti-Animal Abuse Advisory Commission, established under City Code Article 1, Subtitle 55, to research best practices and make recommendations to the Commissioner about the regulation and treatment of animals.
(Ord. 11-573.)

§ 10-106. Fees.

(a) *In general.*

With the approval of the Board of Estimates, the Commissioner may set fees and charges for:

(1) the issuance and renewal of all licenses and permits issued under this title;

(2) the removal or disposal of dead animals by the City for any animal clinic, humane society, veterinary office, or other institution or agency or person; and

(3) any of the other services provided under this title.

(b) *Retention of funds.*

With the approval of the Board of Estimates and the Director of Finance, a percentage of all the funds collected for the City under this title (e.g., fees and charges) may be appropriated to the Health Department in order for the Office to fund its animal control and protection programs in Baltimore City.
(City Code, 1976/83, art. 11, §26(b), (c).) (Ord. 99-548; Ord. 11-573.)

§ 10-107. Contracting with others for services.

With the approval of the Commissioner and the Board of Estimates, the Department may enter into a contract with others to provide services under this title, except for non-delegable government functions.
(Ord. 11-573.)

§ 10-108. Inspections, investigation of complaints, and impoundment.

(a) *Inspections.*

(1) In accordance with § 2-107 {"Right of entry"} of this Article and § 104.6 {"Right of entry"} of the Building Code, the Commissioner may inspect all animals and all premises where animals are kept.

(2) The right to make these inspections is a condition of the issuance of any license or permit issued under this title.

(b) *Investigation of Complaints.*

The Commissioner must make every effort to investigate all complaints submitted under Part III of this subtitle.

(c) *Impoundment.*

The Commissioner may impound animals as required or authorized by this title.
(City Code, 1976/83, art. 11, §§26(e), (g), 29(c).) (Ord. 99-548; Ord. 11-573.)

§ 10-109. Office of Animal Control.

(a) *Office established.*

There is an Office of Animal Control in the Department of Health.

(b) *Director.*

The head of the Office is the Director of Animal Control, who is appointed by the Commissioner from a list certified by the Civil Service Commission.

(c) *Staff.*

The Commissioner may appoint the staff of the Office as provided in Title 2 of this article.
(City Code, 1976/83, art. 11, §25(a).) (Ord. 99-548; Ord. 11-573.)

§ 10-110. Animal enforcement officers.

(a) *"Animal enforcement officer" defined.*

In this section, "animal enforcement officer" means any person:

(1) designated by the Commissioner as an animal enforcement officer; and

(2) appointed by the Police Commissioner under City Code Article 19, § 71-1 for the purpose of enforcing the animal control and protection laws, rules, and regulations of this City and State.

(b) *General duties.*

Animal enforcement officers are authorized and empowered to:

(1) enforce this title by impounding animals found at large, animals injured, ill, or neglected, or found to be diseased;

(2) enforce the license, permit, and inoculation requirements of this title;

(3) enforce the cruelty and neglect provisions of this title by removing and impounding mistreated animals;

(4) administer emergency assistance to injured animals that come into the custody of the City, without need to obtain the consent of the owners or custodians of the animals;

(5) in accordance with § 10-108 of this subtitle, conduct inspections of animal facilities and private residences, as directed by the Commissioner;

(6) issue citations to persons who are in violation of this title; and

(7) enforce any requirements of the animal control and protection laws, rules, and regulations of this City and, as authorized by State law, of this State.

(c) *Orders to owners, custodians.*

An animal enforcement officer may direct an owner or custodian to:

(1) provide veterinary examination and treatment of an animal;

(2) abate conditions that adversely affect the health and well-being of an animal, including the use or provision of:

(i) protection from the elements;

(ii) protection from hazardous conditions;

(iii) methods of restraint or confinement;

(iv) wholesome food and potable water; and

(v) sanitary conditions; and

(3) properly comply with any other provision of this title.

(d) *Authority to enter premises.*

An animal enforcement officer must comply with the requirements of § 2-107 {"Right of entry"} of this article and § 104.6 {"Right of entry"} of the Building Code when entering any land, structure, or premises in the City.

(e) *Inspection of Commercial Establishments.*

(1) A commercial establishment may not refuse an inspection authorized by § 10-108 of this subtitle.

(2) Animal enforcement officers are authorized to inspect commercial establishments:

(i) to determine if the establishment is operating in compliance with its license or permit requirements;

(ii) to determine that all animals are being treated and kept in compliance with the establishment's license or permit requirements;

(iii) to determine that all animals within the facility are being treated and kept in compliance with this title; or

(iv) when responding to a complaint that:

A. an animal is being treated inhumanely or in violation of this title;

B. the facility is being maintained in an unsanitary manner; or

C. animals are being kept or the establishment is being maintained in violation of any provision of this title.

(f) *Animal subjected to cruelty or neglect.*

(1) If the Commissioner determines that an animal is being subjected to cruelty or neglect, the animal enforcement officer may refer the matter to the State Attorney's office for prosecution.

(2) In addition, the Health Commissioner may refer the matter for further criminal investigation to the police officer in the Chief of Patrol's Office who has been designated by the Police Commissioner as the Police Department's Animal Cruelty Liaison to the Office.

(Ord. 11-573.)

§ 10-111. Service of notice.

(a) *In general.*

Notices issued to a person under this title must be:

(1) in writing; and

(2) served:

(i) in person;

(ii) by certified mail, return receipt requested;

(iii) by delivery to an individual of suitable age and discretion who resides at the person's last known address; or

(iv) by posting on the main entrance of the premises at which the violation occurred and mailing by regular mail to the person at that person's last known address.

(b) *Determining last known address.*

The last known address of an animal's owner or custodian may be determined by the animal's tag, tattoo, microchip, license, permit, or property on which the animal was found.

(Ord. 11-573.)

§ 10-112. Obstructing, etc. officer; False statements.

(a) *Obstructing, etc., officer and others.*

No person may knowingly obstruct, resist, or interfere with the Commissioner, any animal enforcement officer, or any other officer, employee, or authorized representative of the Office.

(b) *False statements.*

No person may willfully make a false statement about ownership, custodianship, identity, or address to an animal enforcement officer or any authorized representative of the Office.
(Ord. 11-573.)

§ 10-113. *{Reserved}*

PART II. COMPLAINT PROCESS

§ 10-114. Initiation of complaint.

(a) *In general.*

Any person may submit a complaint to the Office if the person knows of:

(1) a violation of this title or of a rule or regulation adopted under this title; or

(2) a violation of any other animal control or protection law, rule, or regulation of this City or State.

(b) *Form.*

The complaint must be:

(1) a written complaint in a form that the Office requires; or

(2) an oral complaint that is recorded in the City's 311 system.

(c) *Minimum contents.*

The complaint must:

(1) describe the animal;

(2) identify where it is located; and

(3) state in clear language how the animal is in violation of any law or regulation.
(Ord. 11-573.)

§ 10-115. Investigation of complaint.

(a) *In general.*

Once a complaint has been submitted and reviewed by the Office, an animal enforcement officer may investigate the complaint to determine its validity.

(b) *Action on valid complaint.*

If the Office determines the complaint to be valid, the Office may direct an owner or custodian to properly follow any provision of the animal control and protection laws, rules, and regulations of this City and State.

(c) *Right to hearing.*

If the owner or custodian is aggrieved by the action of the Office, the person may request a hearing under Subtitle 10 of this title.

(Ord. 11-573.)

§ 10-116. Finding animal to be dangerous or vicious.

If, on investigation of a complaint, the Office believes that the animal is *{a}* dangerous or vicious animal, the Office must:

(1) submit a written investigation report to the Animal Hearing Panel; and

(2) impound the animal pending a hearing by the Animal Hearing Panel.

(Ord. 11-573.)

SUBTITLE 2
LICENSING

PART I. DOG AND CAT LICENSES

§ 10-201. License required.

(a) *In general.*

The owner of any dog or cat must obtain and renew a license for that dog or cat, as provided in this Part I.

(b) *When to be obtained.*

The license must be obtained within 10 days of the following, whichever is later:

(1) when the dog or cat becomes 4 months old; or

(2) when the dog or cat was acquired by the owner, whether or not the previous owner had a license for the animal.

(City Code, 1976/83, art. 11, §27(a).) (Ord. 99-548; Ord. 00-024; Ord. 11-573.)

§ 10-202. License fees.

(a) *Classes.*

The Commissioner must provide for the following classes of licenses:

(1) Class A Licenses, for:

(i) dogs and cats that have been altered; and

(ii) dogs and cats that have not been altered, but for which a licensed veterinarian certifies in writing that, because of age or bad health, the animal should not be altered.

(2) Class B Licenses, for disability service animals, whether or not altered, on the applicant's submission of an affidavit claiming the person has a disability.

(3) Class C Licenses, for the lifetime of dogs and cats that are altered and microchiped.

(4) Class D Licenses, for all other dogs and cats.

(b) *Fees.*

(1) The license fee for each class is as set under § 10-106 of this title.

(2) For owners 65 years old or older, the annual fee for each license class is 50% of the annual fee otherwise set for that class.

(Ord. 00-024; Ord. 02-323; Ord. 11-573.)

§ 10-203. Applications.

The application for a license must:

(1) be in the form that the Commissioner requires;

(2) be accompanied by the required fee;

(3) be accompanied by an affidavit certifying that neither the applicant nor anyone residing on the applicant's household has ever been convicted of animal abuse, cruelty, or neglect; and

(4) contain:

(i) the name and address of the owner;

(ii) a description of the dog or cat;

(iii) proof of a still-current rabies vaccination, unless this requirement is waived by the Public Health Veterinarian; and

(iv) any other information that the Commissioner requires.

(City Code, 1976/83, art. 11, §27(b).) (Ord. 99-548; Ord. 00-024; Ord. 11-573.)

§ 10-204. Issuance of licenses and tags.

(a) *In general.*

(1) On approval of the application and receipt of the required fee, the Office must issue the license.

(2) Together with the license, the Office must issue an identification tag that is:

(i) durably constructed;

(ii) designed so that it can be conveniently fastened or riveted to a well-fitted collar or harness; and

(iii) stamped with the year of its issuance and an identifying number.

(b) *Animal from animal shelter.*

For an unlicensed dog or cat that is reclaimed or adopted from an animal shelter, the animal shelter must:

(1) require a license application and the required fee to be submitted to it; and

(2) on receipt of the application and receipt of the required fee, issue the license and identification tag for that dog or cat.

(City Code, 1976/83, art. 11, §27(d).) (Ord. 99-548; Ord. 00-024; Ord. 11-573.)

§ 10-205. Term.

Unless sooner suspended or revoked, a dog or cat license (except for a Class C License) expires annually on the anniversary of its issuance.

(City Code, 1976/83, art. 11, §27(c).) (Ord. 99-548; Ord. 00-024; Ord. 11-573.)

§ 10-206. Records; replacements.

(a) *Public record of identifying numbers.*

The Office and the animal shelter must:

(1) keep a record of the identifying numbers of all licenses, identification tags, and microchips issued; and

(2) make this record available to the public and other City agencies, subject to a copy fee.

(b) *Replacements.*

If a license, microchip, or an identification tag is lost or destroyed, a replacement must be obtained and the required fee paid.

(City Code, 1976/83, art. 11, §27(f), (h).) (Ord. 99-548; Ord. 00-024; Ord. 11-573.)

§ 10-207. Prohibited conduct.

No person may:

(1) fail to obtain a license as required by this Part I;

(2) permit any cat or dog for which the person is required to obtain a license to be outdoors at any time unless it is wearing a valid identification tag issued under this subtitle;

(3) use any license or identification tag for any dog or cat other than the one for which it was issued;

(4) use any license or identification tag that was issued to a previous owner of the dog or cat;

(5) remove any identification tag from any dog or cat without the consent of its owner;

(6) use any microchip required by this subtitle for any dog or cat other than the one to which the microchip applies; or

(7) except as authorized by the Commissioner, remove from any dog or cat any microchip required by this subtitle.

(City Code, 1976/83, art. 11, §27(e), (g), (i), (j).) (Ord. 99-548; Ord. 00-024; Ord. 02-323; Ord. 11-573.)

§ 10-208. Owner to provide copy to custodian.

Whenever the owner of an animal places it in the care or custody of another person, the owner must provide that custodian with a copy of the license and identification tag issued under this Part for the animal.
(Ord. 11-573.)

§ 10-209. ***{Reserved}***

PART II. FACILITY LICENSES

§ 10-210. License required.

(a) *In general.*

No person may operate any of the following facilities without a license to do so from the Commissioner, as provided in this Part II:

(1) animal clinic;

(2) animal shelter;

(3) commercial establishment; or

(4) animal fancier.

(b) *Separate license for each facility.*

Every facility subject to this Part II is considered a separate enterprise and requires a separate license.
(City Code, 1976/83, art. 11, §28(a), (e), (h).) (Ord. 99-548; Ord. 11-573.)

§ 10-211. Applications.

The application for a facility license must:

(1) be in the form that the Commissioner requires;

(2) be accompanied by an affidavit certifying that neither the applicant nor any operator, employee, or agent of the applicant has ever been convicted of animal abuse, cruelty, or neglect;

(3) contain the information that the Commissioner requires; and

(4) be accompanied by the required fee.
(Ord. 99-548; Ord. 11-573.)

§ 10-212. Issuance.

The Office must issue the license if the applicant:

(1) meets the requirements of this Part II; and

(2) shows the willingness and ability to comply with the requirements of this title and the rules and regulations adopted under it.

(City Code, 1976/83, art. 11, §28(c).) (Ord. 99-548; Ord. 11-573.)

§ 10-213. *{Reserved}*

§ 10-214. Term.

Unless sooner suspended or revoked, a facility license expires annually on the anniversary date of its issuance.

(City Code, 1976/83, art. 11, §28(d).) (Ord. 99-548; Ord. 11-573.)

§ 10-215. Animal records.

(a) *Required records.*

Every facility that sells or gives away any animal must keep a record of:

(1) the name, address, and telephone number of the person to whom the animal was sold or given; and

(2) the breed, color, sex, and age of the animal; and

(3) any other information concerning an animal that the Commissioner requires.

(b) *Retention and inspection.*

The facility must:

(1) retain these records for at least 2 years; and

(2) make them available for inspection by the Office during normal business hours.

(Ord. 00-024; Ord. 11-573.)

§ 10-216. Prohibited conduct.

No person may operate any facility subject to this Part II in violation of:

(1) any condition imposed on the facility's license; or

(2) any provision of this title or of a rule or regulation adopted under this title.

(Ord. 99-548; Ord. 00-024; Ord. 11-573.)

§§ 10-217 to 10-218. *{Reserved}*

PART III. DENIALS, SUSPENSIONS, AND REVOCATIONS

§ 10-219. Grounds for denial, etc.

(a) *Required denial or revocation.*

Subject to the hearing procedures of Subtitle 10 of this title, the Commissioner must deny or revoke any dog or cat license issued under this subtitle if the applicant or licensee, at any time, has been convicted of animal abuse, cruelty, or neglect.

(b) *Permissive denial, suspension, or revocation.*

Subject to the hearing procedures of Subtitle 10 of this title, the Commissioner may deny, amend, suspend, revoke, or refuse to renew any license or permit issued under this title if the applicant, licensee, or permittee:

(1) has withheld or falsified any information on an application;

(2) during the preceding year, has failed to reclaim an impounded animal within the time required by Subtitle 8 {"Impoundment"} of this title;

(3) during the preceding year, has surrendered an animal after receiving a violation notice or citation; or

(4) within any 12-month period, has committed 3 or more violations of this title for which the applicant, licensee, or permitee:

(i) has been convicted; or

(ii) received environmental or civil citations that have been disposed of other than by a decision of "not guilty".

(City Code, 1976/83, art. 11, §28(d).) (Ord. 99-548; Ord. 00-024; Ord. 03-595; Ord. 11-573.)

§ 10-220. Additional grounds for denial, etc.

Subject to the hearing procedures of Subtitle 10 of this title, the Commissioner also may deny, suspend, amend, revoke, or refuse to renew any license or permit issued under this title if the applicant, licensee, or permitee neglects, refuses, or otherwise fails to comply with any provision of:

(1) this title;

(2) a rule or regulation adopted under this title; or

(3) any other law governing the keeping and protection of animals.

(City Code, 1976/83, art. 11, §§26(d), 29(a).) (Ord. 99-548; Ord. 00-024; Ord. 11-573.)

§ 10-221. ***{Reserved}***

§ 10-222. No refund on suspension, amendment, or revocation.

No part of a license or permit fee may be refunded when the license or permit is suspended, amended, or revoked.

(City Code, 1976/83, art. 11, §29(b)(2nd cl.).) (Ord. 99-548; Ord. 11-573.)

§ 10-223. Surrender or removal of animal on denial, etc.

A person whose license or permit for an animal is denied, suspended, or revoked must, within 10 days of the denial, suspension, or revocation:

(1) surrender the animal to the Office; or

(2) remove the animal from the City and provide the Office with an affidavit stating that the animal has been removed from the City, the name of the animals' new owner, and the new address where the animal is located.

(City Code, 1976/83, art. 11, §29(b)(1st cl.).) (Ord. 99-548; Ord. 11-573.)

§ 10-224. Reapplication after denial or revocation.

Any person who is denied a license or permit under this title or has had a license or permit revoked under this title may not reapply for:

(1) 1 year; or

(2) if the person was convicted of cruelty to or neglect of animals, 5 years.

(City Code, 1976/83, art. 11, §29(f).) (Ord. 99-548; Ord. 00-024; Ord. 11-573.)

SUBTITLE 3
GENERAL CARE AND CONTROL

§ 10-301. Rabies – Vaccinations.

(a) *Vaccination required.*

No person may own or keep a dog, cat, feral cat, or ferret that is older than 4 months unless it has a current rabies vaccination, unless this requirement is waived by the Public Health Veterinarian.

(b) *Certificate required.*

(1) Any person who brings a dog, cat, feral cat, or ferret over 4 months old into the City must have readily available a current rabies vaccination certificate signed by a veterinarian or issued by an approved government agency.

(2) A dog, cat, feral cat, or ferret for which there is no evidence of a current vaccination must immediately be:

(i) vaccinated by a veterinarian; or

(ii) removed from the City.

(c) *Unlicensed dog or cat presumed unvaccinated.*

(1) Except as provided in paragraph (2) of this subsection, any unlicensed dog, cat, or feral cat that is older than 4 months is presumed to be unvaccinated. This presumption can be rebutted only by a current rabies vaccination certificate signed by a veterinarian or issued by an approved government agency.

(2) A feral cat that has been ear tipped is presumed to have been vaccinated at least once.

(d) *Issuance of certificates.*

(1) Any veterinarian who administers a rabies vaccination to an animal must complete a vaccination certificate and give a copy of the certificate to the animal's owner or custodian.

(2) In addition to any other information that the Commissioner requires, the certificate must state:

(i) the date the vaccination was administered; and

(ii) the vaccination's expiration date.

(e) *Commissioner may operate anti-rabies clinics.*

The Commissioner may operate rabies vaccination clinics and charge reasonable fees to defray the cost of the services provided.

(f) *Other animal rabies vaccinations.*

The Commissioner may, by rule or regulation, requires rabies vaccinations for other animals.

(g) *Owner to provide copy of rabies vaccination certificate to custodian.*

Whenever the owner of an animal places it in the care or custody of another person, the owner must provide that custodian with a copy of the animal's rabies vaccination certificate.

(City Code, 1976/83, art. 11, §§27(k), 35(a) - (c).) (Ord. 99-548; Ord. 00-024; Ord. 07-583; Ord. 11-573.)

§ 10-302. Rabies – Possible exposure.

(a) *Required reporting.*

In addition to complying with State Health-General Article, § 18-316, a person must immediately, by telephone or in person, report to the Commissioner and the Baltimore City Police Department whenever that person has knowledge of:

(1) any animal susceptible to rabies that:

(i) has bitten or scratched and broken the skin of any human being; or

(ii) otherwise has exposed any human being to a possible rabies infection;

(2) any animal that has been bitten by another animal suspected of having rabies; or

(3) any other animal that is suspected of having rabies.

(b) *Isolation and examination.*

In addition to the requirements of State Health-General Article, § 18-316, the following apply to a quarantined animal:

(1) the animal must be isolated in the manner and for the period that the Commissioner directs; and

(2) at any time during the isolation, the Commissioner or the owner or custodian of the animal may direct that the animal be humanely killed for the purpose of rabies testing.

(c) *Expenses.*

(1) The isolation and examination of an animal under this section is at the expense of the animal's owner or custodian.

(2) When the animal is impounded, the animal's owner or custodian must pay to the Office an initial deposit, as set under § 10-106 of this title, toward expenses related to isolation and examination.

(d) *Release of animal.*

An animal isolated under this section may be released only:

(1) with the consent of the Commissioner; and

(2) on payment of:

(i) the fee set for each day or part of a day that the animal was held; and

(ii) all costs incurred during the isolation.

(City Code, 1976/83, art. 11, §35(d), (e).) (Ord. 99-548; Ord. 11-573.)

§ 10-303. Humane care required.

Every owner or custodian of an animal must provide the animal with humane care and treatment, which includes providing all of the following:

(1) sufficient and wholesome food and water, which means:

(i) at least once a day, the animal must be fed food of a sufficient quantity and with adequate nutritive value, in clean and sanitary receptacles; and

(ii) the animal must have clean and drinkable water available at all times;

(2) proper shelter and protection from the weather, which means:

(i) the animal must be kept reasonably free of urine, fecal matter, and any other trash or hazardous material;

(ii) the animal must have reasonable protection to minimize heat exposure; and

(iii) the animal must have access to a structurally sound shelter in good repair that provides suitable protection from the elements;

(3) veterinary care when needed to prevent suffering or to maintain the animal's health; and

(4) sufficient exercise space, which means:

(i) the animal must have proper space to be able to stand to its full height, stretch out, turn around, lie down, and make normal postural adjustments comfortably;

(ii) the animal must be allowed to exercise and must be given freedom of movement as necessary to maintain good physical condition; and

(iii) more specifically for dogs, cats, and feral cats:

A a dog. cat, or feral cat may only be confined to a cage for temporary confinement; and

B. if a dog is caged, it must be removed from the cage and exercised at least:

1. twice daily for at least half an hour each time; or

2. once a day for a minimum of 2 hours.

(City Code, 1976/83, art. 11, §32(a).) (Ord. 99-548; Ord. 11-573.)

§§ 10-304 to 10-306. ***{Reserved}***

§ 10-307. Restraints required.

(a) *In general.*

All animals must be restrained:

(1) as required by this section; and

(2) in the case of a dangerous animal, as required by § 10-702 {"Dangerous animals"} of this title.

(b) *Animals generally.*

(1) Except as otherwise authorized under paragraph (2) of this subsection, all animals must be kept:

(i) confined in a building or secure enclosure;

(ii) secured by a leash or otherwise; or

(iii) restrained according to rules and regulations adopted by the Commissioner.

(2) This subsection does not apply while the animal is:

(i) participating in an off-leash activity approved by the Commissioner; or

(ii) is in an area and during the hours approved by the Director of Recreation and Parks for off-leash recreation.

(c) *Female animals in heat.*

Every female animal in heat must be confined in a building or secure enclosure so that it cannot come into contact with a male animal, except if the owner has an animal fancier permit.

(City Code, 1976/83, art. 11, §§24(29), 30(a), (c).) (Ord. 99-548; Ord. 09-172; Ord. 11-573.)

§ 10-308. Transporting animals.

(a) *Confinement in vehicle.*

No person may place, confine, or allow an animal to be placed or confined inside a vehicle under conditions or for a period of time that endanger the health or well-being of the animal due to temperature, lack of food or drink, or other conditions that might reasonably be expected to cause death, disability, or suffering.

(b) *Unenclosed area of vehicle.*

No person may allow an animal to ride in the unenclosed area of a vehicle unless the animal is confined by a secure tether or a securely affixed and ventilated crate.
(Ord. 11-573.)

§ 10-309. Disposition of dead animals.

(a) *Prohibited disposition.*

The owner or custodian of a dead animal may not:

(1) deposit the animal or leave it exposed on any public or private property; or

(2) place it in a storm drain or watershed area.

(b) *Required disposition.*

(1) Dead animals must be promptly disposed of by cremation, burial, or other sanitary means.

(2) On request, the Office may pick up dead domesticated animals for disposal, subject to a fee for the disposal as set under § 10-105 of this title.
(Ord. 11-573.)

§§ **10-310 to 10-312.** ***{Reserved}***

§ 10-313. Animal waste.

(a) *In general.*

Except as provided in subsection (c) of this section, the owner or custodian of an animal must:

(1) have in his or her possession a means for the removal and sanitary disposal of the animal's feces; and

(2) immediately remove all feces left by the animal:

(i) on that person's or any other person's private property; or

(ii) on any public property, including any street, sidewalk, foot path, median, gutter, alley, park, or recreation area.

(b) *Deposit in storm drain, etc., prohibited.*

The owner or custodian of an animal may not dispose of the animal's feces by placing them in a storm drain or watershed area.

(c) *Exceptions.*

Subsection (a) of this section does not apply to:

(1) an animal owned by and while working for a law enforcement or other governmental agency; or

(2) an animal professionally trained to aid the visually, hearing, or mobility disabled, while actually being used for that purpose.

(City Code, 1976/83, art. 11, §36.) (Ord. 99-548; Ord. 05-121; Ord. 11-573.)

§ 10-314. Injury by vehicle.

If a motor vehicle hits or is hit by an animal, the driver of the motor vehicle must immediately:

(1) stop the vehicle; and

(2) if the animal is injured or killed, report the accident to:

(i) the Baltimore City Police Department; and

(ii) the animal's owner or custodian, if the owner or custodian can be determined and located.

(City Code, 1976/83, art. 11, §33(f), art. 19, §15.) (Ord. 99-548; Ord. 11-573.)

SUBTITLE 4
ANIMAL PROTECTION

§ 10-401. Scope of subtitle.

This subtitle does not apply to:

(1) customary and normal veterinary and agricultural husbandry practices, including dehorning, castration, tail docking, and limit feeding;

(2) a laboratory where scientific research is carried out under regulation of a Maryland or federal agency;

(3) an activity that may cause unavoidable physical pain to an animal, including food processing, pest elimination, animal training, and hunting, if the person performing the activity uses the most humane method reasonably available; or

(4) normal human activities in which the infliction of pain to an animal is purely incidental and unavoidable.

(Ord. 11-573.)

§ 10-402. Neglect of animal.

No person may neglect to provide humane care and treatment, as described in § 10-303 {"Humane care required"} of this title, for any animal that the person owns, keeps, restrains, or confines, whether as a pet or for any other purpose.

(City Code, 1976/83, art. 19, §13.) (Ord. 99-548; Ord. 11-573.)

§ 10-403. Abandonment of animal.

(a) *"Abandon" defined.*

In this section, "abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal's care.

(b) *Abandonment prohibited.*

No person may abandon any animal that the person owns, keeps, restrains, or confines, whether as a pet or for any other purpose.

(c) *Impounded animals not reclaimed.*

If an animal has been impounded and is not reclaimed by its owner or custodian after having been impounded for 72 hours, the animal is considered to be abandoned and becomes the property of the City.

(d) *Exception – Transfer to Office or shelter.*

If a person releases and transfers ownership of an animal to the Office or to an animal shelter, that is not an abandonment.

(e) *Exception – Release by feral cat caregiver.*

If a feral cat caregiver releases a feral cat in accordance with an approved program to trap, alter, vaccinate, ear tip, and return feral cats, the feral cat is not considered abandoned.

(City Code, 1976/83, art. 11, §32(c). art. 19, §19.) (Ord. 99-548; Ord. 07-583; Ord. 11-573.)

§ 10-404. Cruelty to or abuse of animal.

No person may act cruelly to or abuse animals, which includes the following actions:

(1) teasing, torturing, tormenting, beating, killing, deliberately inciting, intentionally injuring, mutilating, intentionally hitting with a vehicle, overdriving, overloading, or otherwise abusing an animal;

(2) subjecting an animal to conditions detrimental to its health and general welfare;

(3) administering poison to an animal or knowingly placing or leaving any poisonous or other harmful substance with the intent to injure or kill any animal other than vermin;

(4) inflicting unnecessary suffering or pain on an animal or causing unnecessary injury, suffering, of death of an animal under the individual's charge or custody;

(5) leaving any domestic animal unattended in a parked, standing, or stopped vehicle in a manner that endangers the health, safety, or welfare of the animal;

(6) confining, tethering, or allowing an animal to remain in outside areas during period of extreme weather without access to proper shelter;

(7) hoarding, accumulating, or maintaining a number of animals in a single location, if the number of animals overwhelms a person's ability to provide nutrition, sanitation, and veterinary care or the person fails to acknowledge the deteriorating health of the animal or condition of the dwelling or facility; or

(8) causing, arranging, permitting, or authorizing any of the actions listed in this section.

(City Code, 1976/83, art. 11, §32(b)(1st cl.), art. 19, §14.) (Ord. 99-548; Ord. 11-573.)

§ 10-405. Animal fights.

(a) *"Animal fight" defined.*

In this section, "animal fight" means any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(b) *Prohibited conduct.*

No person may:

(1) conduct, cause, attend, or participate in any animal fight;

(2) permit any animal that the person owns or keeps to participate in an animal fight;

(3) prepare any animal for an animal fight;

(4) wager on any animal fight; or

(5) breed animals to use them for fighting or to sell them for the purpose of fighting.
(City Code, 1976/83, art. 11, §32(b)(2nd cl.), art. 19, §10.) (Ord. 99-548; Ord. 11-573.)

§ 10-406. Animal shows.

(a) *Certain devices prohibited.*

No animal show may be conducted or held if any animal is induced or encouraged to perform through the use of any chemical, mechanical, electrical, or manual device that is likely to cause physical injury, pain, or suffering.

(b) *Proper equipment required.*

All equipment used on or by a performing animal must fit properly and be in good working condition.
(City Code, 1976/83, art. 11, §34.) (Ord. 99-548; Ord. 11-573.)

§ 10-407. Exposure to poisons.

No person may use or expose an animal to any pesticide or poison, whether mixed with food or not, without taking all necessary precautions to protect non-target animals from exposure to the pesticide or poison.
(City Code, 1976/83, art. 11, §32(g).) (Ord. 99-548; Ord. 11-573.)

§ 10-408. Confinement in cage.

No person may confine any animal in a cage that consists entirely of solid walls.
(City Code, 1976/83, art. 11, §24(8)(2nd sen.).) (Ord. 99-548; Ord. 11-573.)

§ 10-409. Prohibited tethering of dogs.

(a) *In general.*

No person may tether a dog under unsafe conditions, including harsh or extreme weather conditions, that endanger its health, safety, or welfare.

(b) *Specific prohibitions.*

No person may tether a dog:

(1) by any means other than a fitted color or harness;

(2) with a choke collar, training collar, collar with metal spikes, or chain; or

(3) with a tether that:

(i) does not have swivels at both ends to prevent kinking and knotting;

(ii) weighs more than 1/8 of the dog's body weight;

(iii) is not properly positioned to prevent the tether from becoming entangled in or around objects;

(iv) unreasonably limits a dog's movement;

(v) restricts the dog's access to suitable and sufficient food, clean water, and appropriate shelter;

(vi) is not properly positioned to prevent the dog from reaching or climbing a fence to avoid strangulation;

(vii) that does not permit the dog to defecate or urinate in an area separate from the area where it must eat, drink, or lie down;

(viii) confines the dog in unsafe or unsanitary conditions; or

(ix) causes injury, stress, or demonstrable socialization problems.

(Ord. 11-573.)

§ 10-410. Animals as prizes or inducements.

No person may give away or offer to give away any live animal:

(1) as a prize for or as an inducement to enter any contest, game, or other competition;

(2) as an inducement to enter a place of amusement; or

(3) as an incentive to enter into any business agreement.

(City Code, 1976/83, art. 11, §32(e).) (Ord. 99-548; Ord. 11-573.)

§ 10-411. Molesting birds.

No person may:

(1) kill, injure, molest, or attempt to kill, injure, or molest, in any way, any bird; or

(2) destroy, remove, or attempt to destroy or remove, any box placed in any tree or other suitable place in the City for the use of these birds.

(City Code, 1976/83, art. 19, §5.) (Ord. 99-548; Ord. 11-573.)

SUBTITLE 5
PUBLIC NUISANCE ANIMALS

§ 10-501. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Public nuisance animal.*

"Public nuisance animal" means an animal that:

(1) is found at large;

(2) damages the property of anyone other than its owner or custodian;

(3) defecates on public property;

(4) urinates or defecates on private property;

(5) molests pedestrians or passersby;

(6) chases vehicles;

(7) excessively makes disturbing noises (including continued or repeated howling, barking, whining, or other utterances) that unreasonably cause annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept;

(8) fouls the air by odor so as to unreasonably cause annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept;

(9) causes unsanitary conditions in enclosures or surroundings where the animal is kept;

(10) by virtue of the number or types of animals maintained, is offensive or dangerous to the pubic health, safety, or welfare;

(11) attacks other animals; or

(12) has been found by the Commissioner to be a public nuisance animal by virtue of being offensive or a danger to the public health, safety, or welfare.

(c) *Public nuisance condition.*

(1) *In general.*

"Public nuisance condition" means:

(i) an unsanitary, dangerous, or offensive condition caused by:

A. the size, number, or types of animals maintained or kept;

B. the inadequacy of the facilities; or

C. the manner or method of holding, confining, restraining, boarding, or training animals; or

(ii) any other condition that the Commissioner deems to be a public nuisance condition.

(2) *Inclusions.*

"Public nuisance condition" includes any premises in which:

(i) an animal is maintained or kept under a condition that constitutes neglect of or cruelty to the animal; or

(ii) the animal is in an unsanitary condition.

(Ord. 11-573.)

§ 10-502. Owner or custodian to exercise care and control.

Every owner or custodian of an animal must exercise proper care and control to prevent the animal from becoming a public nuisance animal.

(Ord. 11-573.)

§ 10-503. Nuisances prohibited.

(a) *In general.*

No person may keep or maintain any animal in the City in a manner that:

(1) causes or permits it to be a public nuisance animal; or

(2) causes or permits the animal to cause a public nuisance condition.

(b) *Disturbing health, safety, or welfare.*

No person may keep or maintain any animal in the City in a manner that disturbs the health, safety, or welfare of any person.

(Ord. 11-573.)

§ 10-504. Animals at large.

(a) *"Animal at large" defined.*

"Animal at large" means any animal that is:

(1) off the premises of its owner or custodian; and

(2) not under restraint in the manner required by § 10- 307 {"Restraints required"} of this title.

(b) *Prohibited conduct.*

No owner or custodian of an animal may allow it to be an animal at large.

(c) *Restraints and control.*

When an animal is off the premises of the owner or custodian, the animal must be:

(1) restrained as required by § 10-307 {"Restraints required"}; and

(2) under the control of a person who is capable of controlling and physically restraining the animal.

(d) *Off-leash recreation.*

An animal that is participating in an off-leash activity approved by the Commissioner or is in an area and during the hours approved by the Director of Recreation and Parks for off-leash recreation is not at large unless the animal leaves the activity or area or remains beyond the approved hours.

(Ord. 11-573.)

SUBTITLE 6
WILD ANIMALS, ETC.; PROHIBITED ANIMALS

§ 10-601. Wild, exotic, and hybrid animals.

(a) *In general.*

Except as specified in subsection (c) of this section, no person may keep or allow to be kept on that person's premises any wild, exotic, or hybrid animal without a permit from the Commissioner to do so.

(b) *Rules and regulations.*

By rule or regulation, the Commissioner may set:

(1) qualifications for obtaining a permit;

(2) conditions for keeping the animal;

(3) the term of the permit;

(4) grounds for denying, amending, suspending, revoking, or refusing to renew the permit; and

(5) other limitations the Commissioner finds necessary or appropriate.

(c) *Exceptions.*

This section does not apply to:

(1) an animal show or zoological park licensed under this title and regulated by a Maryland or federal agency; or

(2) a laboratory where scientific research is carried out under regulation of a Maryland or federal agency.

(City Code, 1976/83, art. 11, §§24(34), 32(h), 33, art. 19, §143.) (Ord. 99-548; Ord. 06-182; Ord. 11-573.)

§ 10-602. Importation of wild rabbits and hares.

(a) *"Wild rabbit or hare" defined.*

In this section, "wild rabbit or hare" means any rabbit or hare that has not been bred and supervised in a properly maintained rabbitry.

(b) *Prohibited conduct.*

Except as specified in subsection (b) of this section, no person may:

(1) bring or import into the City, for sale, any wild rabbit or hare, dead or alive; or

(2) sell or offer for sale in the City any imported wild rabbit or hare, dead or alive.

(c) *Exceptions.*

This section does not apply to the importation of wild rabbits or hares by the following, if done in conformity with the regulations of the Commissioner:

(1) an animal show or zoological park licensed under this title and regulated by a Maryland or federal agency; or

(2) a laboratory where scientific research is carried out under regulation of a Maryland or federal agency.

(City Code, 1976/83, art. 19, §§127, 128.) (Ord. 99-548; Ord. 11-573.)

§ 10-603. Other prohibited animals.

(a) *Commissioner may prohibit.*

By rule or regulation, the Commissioner may prohibit other animals from being kept in the City as necessary or appropriate to protect the health, safety, or welfare of the public.

(b) *Keeping prohibited.*

Except as specified in subsection (c) of this section, no person may keep or allow to be kept on that person's premises any animal that the Commissioner prohibits under subsection (a) of this section.

(c) *Exceptions.*

This subsection does not apply to:

(1) an animal show or zoological park licensed under this title and regulated by a State of Maryland or federal agency; or

(2) a laboratory where scientific research is carried out under regulation of a Maryland or federal agency.

(Ord. 11-573.)

SUBTITLE 7
ATTACK DOGS; DANGEROUS AND VICIOUS ANIMALS

§ 10-701. Attack dogs.

(a) *"Attack dog" defined.*

In this section, "attack dog" means a dog that is trained to attack on command.

(b) *Keeping or training prohibited.*

Except as specified in subsection (b) of this section, no person may keep or train any attack dog in the City.

(c) *Exception.*

This section does not apply to a dog owned by and working for law enforcement or other governmental agency.

(City Code, 1976/83, art. 11, §§24(6), 40A(a)(1)(ii), (h).) (Ord. 99-548; Ord. 11-573.)

§ 10-702. Dangerous animals.

(a) *"Dangerous animal" defined.*

"Dangerous animal" means any animal that:

(1) has bitten or attacked a human being or another animal without provocation;

(2) exhibits aggressive or dangerous behavior and is not adequately confined or restrained;

(3) is known or suspected to be an animal exposed to rabies and is not adequately confined or restrained; or

(4) requires confinement or restraints to protect the health, safety, or welfare of the public.

(b) *Hearing.*

The Animal Hearing Panel must determine if an animal is a dangerous animal in accordance with the hearing procedures of Subtitle 10 of this title.

(c) *Restraints required.*

Except as otherwise ordered by the Animal Hearing Panel, every dangerous animal must be:

(1) maintained in a building or secure enclosure on the premises of its owner or custodian; and

(2) whenever outside of the building or enclosure:

(i) securely caged;

(ii) securely muzzled and leashed; or

(iii) restrained by any other appropriate method required by the Panel.

(d) *Other requirements.*

An owner or custodian of an animal found to be a dangerous animal must:

(1) have the animal microchiped and altered at the owner's or custodian's expense;

(2) display a "dangerous animal" sign, visible to the public, on the property where the animal is kept;

(3) if the animal is kept outside of the dwelling, install a perimeter fence on the property or a portion of the property;

(4) notify the Office if the animal is loose, has bitten another domesticated animal or human being, or has violated any other requirements of this title;

(5) notify the Office if the animal has died or is being relocated to another jurisdiction; and

(6) before transferring ownership or custody of the dangerous animal to another:

(i) notify the Office in writing of the name and address of the new owner or custodian; and

(ii) notify the new owner or custodian of the animal's dangerous behavior.

(e) *Animals determined dangerous by another jurisdiction.*

(1) Animals determined dangerous by another jurisdiction are automatically considered dangerous in the City.

(2) The owner or custodian must immediately notify the Office if any animal determined dangerous in another jurisdiction is transported into the City.

(3) If another jurisdiction defines "dangerous animal" differently than as defined in this section or makes a determination using a term other than "dangerous", the Animal Hearing Panel must determine if the criteria used in the other jurisdiction is appropriate for the animal to be considered dangerous in the City.

(f) *Exceptions.*

This section does not apply to:

(1) an animal show or zoological park licensed under this title and regulated by a Maryland or federal agency; or

(2) a laboratory where scientific research is carried out under regulation of a Maryland or federal agency.

(City Code, 1976/83, art. 11, §§24(29) and (33), 30(d), 33(a).) (Ord. 99-548; Ord. 07-632; Ord. 11-573.)

§ 10-703. Vicious animals – Definition.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Vicious animal.*

(1) *In general.*

"Vicious animal" means any animal that:

(i) has severely bitten or attacked a human being or another animal; or

(ii) has been previously deemed dangerous, and subsequently bitten or attacked a human being or other animal so that the Health Commissioner determines that the animal should be immediately euthanized to protect the health, safety, or welfare of the public.

(2) *Exclusions – Instigation by other.*

"Vicious animal" does not include an animal that has bitten or attacked if the injury, damage, was sustained by one who:

(i) at the time was committing a willful trespass or other tort on the premises occupied by the owner or custodian of the animal;

(ii) was tormenting, abusing, or assaulting the animal;

(iii) in the past has been observed or reported to have tormented, abused, or assaulted the animal; or

(iv) was committing or attempting to commit a crime.

(3) *Exclusions – Protecting self or others or in pain.*

"Vicious animal" does not include an animal that has bitten or attacked if the animal was:

(i) protecting or defending itself, its young, or another animal;

(ii) responding to pain or injury; or

(iii) protecting or defending a human being within the immediate vicinity of the animal from physical attack or assault.

(City Code, 1976/83, art. 11, §24(33a).) (Ord. 99-548; Ord. 00-073; Ord. 11-573.)

§ 10-704. Vicious animals – Hearing.

The Animal Hearing Panel must determine if an animal is a vicious animal in accordance with the hearing procedures of Subtitle 10 of this title.

(Ord. 11-573.)

§ 10-705. Vicious animals – At large.

If an animal enforcement officer, police officer, or humane officer finds an animal at large, and if the animal enforcement officer, police officer, or humane officer reasonably believes that the animal is a vicious animal and that the animal cannot be taken up or tranquilized and impounded, the animal enforcement officer, police officer, or humane officer may kill the animal.

(City Code, 1976/83, art. 11, §40A(g).) (Ord. 99-548; Ord. 11-573.)

§ 10-706. Vicious animals – Keeping prohibited.

(a) *In general.*

No person may keep in the City any animal that the Animal Hearing Panel determines to be a vicious animal.

(b) *Exception.*

This subtitle does not apply to an animal owned by and working for a law enforcement or other governmental agency.

(City Code, 1976/83, art. 11, §40A(a)(1)(i), (h).) (Ord. 99-548; Ord. 07-632; Ord. 11-573.)

SUBTITLE 8
IMPOUNDMENT

§ 10-801. Authority to impound.

An animal enforcement officer, police officer, humane officer, or other person authorized and contracting with the City to do so may impound any animal:

(1) found at large;

(2) whose owner or custodian does not have the required license or permit for the animal;

(3) that is found without a license tag required by this title;

(4) that poses a threat to public health, safety, or welfare;

(5) reasonably believed to be a dangerous or vicious animal;

(6) placed at risk by its health or environment;

(7) that is abandoned;

(8) that is prohibited in the City;

(9) that is a public nuisance animal;

(10) whose owner or custodian is in violation of this title; or

(11) whose owner or custodian is in violation of any other animal control or protection law, rule, or regulation of this City or State.

(Ord. 11-573.)

§ 10-802. Right of entry and impoundment.

(a) *In general.*

On the determination that an animal should be impounded, an animal enforcement officer, police officer, humane officer, or other person authorized and contracting with the City to do so may, subject to § 10-108 of this subtitle, enter onto public or private property, remove the animal, and impound it at an animal shelter or other facility approved by the Commissioner.

(b) *Facility to notify Office.*

If an animal is impounded, the owner or operator of the facility must immediately notify the Office of the impoundment and provide any information that the Office reasonably requires.

(Ord. 11-573.)

§ 10-803. Notice.

(a) *Notice required.*

When an animal is impounded, the Office must make a reasonable attempt to provide notice of the impoundment to the animal's owner or custodian.

(b) *Contents of notice.*

The notice must include:

(1) the name, if known, of the owner or custodian;

(2) a description of the animal seized;

(3) the violation of this title, including a reference to the specific legal authority for the impoundment;

(4) the manner and time in which the person must either:

(i) reclaim the animal; or

(ii) request a hearing on the violation;

(5) a contact person and telephone number at the Office; and

(6) a statement that if the owner or custodian fails to act within 72 hours of the impoundment, the animal will become the property of the City.

(c) *Unknown owner or custodian.*

If the Office cannot ascertain the identity and address of the owner or custodian, the animal is considered abandoned and becomes property of the City after 72 hours from the impoundment.

(Ord. 11-573.)

§ 10-804. Holding period; Hearing.

(a) *In general.*

The impounded animal must be kept for at least 72 hours, unless sooner reclaimed by its owner or custodian or otherwise required by law.

(b) *Dangerous or vicious animal.*

If the Office reasonably believes that the animal is a dangerous or vicious animal, the Office must hold the animal pending a hearing under Subtitle 10 of this title.

(c) *Request for hearing.*

If the owner or custodian is aggrieved by the animal's impoundment, he or she may request a hearing under Subtitle 10 of this title.

(Ord. 11-573.)

§ 10-805. Reclaiming animal.

(a) *Right to reclaim.*

The owner or custodian has the right to reclaim the animal within 72 hours of the impoundment.

(b) *Requisites for reclaiming.*

If the owner or custodian seeks to reclaim the animal, the Office may require the owner or custodian to:

(1) provide proof of legal title to or custodianship of the animal or provide an affidavit of legal title or custodianship;

(2) demonstrate that the animal has the required license or permit;

(3) pay any fees or expenses required by the Office for the care, feeding, housing, and veterinary care of the animal during the impoundment;

(4) allow the Office to microchip the animal at the owner's or custodian's expense; and

(5) allow the Office to alter the animal at the owner's or custodian's expense.

(Ord. 11-573.)

§ 10-806. Unclaimed or surrendered animals.

(a) *Unclaimed animals.*

If an impounded animal is not reclaimed within 72 hours of impoundment, the animal is abandoned and immediately becomes property of the City.

(b) *Surrendered animal.*

If an animal is surrendered to the Office by its owner, the animal immediately becomes property of the City.

(c) *Disposition.*

Once an animal becomes City property under this section, the Office must:

(1) place the animal for adoption;

(2) humanely euthanize the animal; or

(3) transfer the animal by any method that is advantageous to the City and the public interest and is not prohibited by law.

(Ord. 11-573.)

§ 10-807. Altering animal.

An animal that becomes City property under this subtitle may be altered before being released for adoption, rescue, or otherwise, unless the animal weighs less than 2 pounds.

(Ord. 11-573.)

§ 10-808. Other fees.

Even if an animal is not reclaimed by the owner or custodian, the owner or custodian may still be required to pay for fees or expenses related to the impoundment through the date when the animal became City property.

(Ord. 11-573.)

SUBTITLE 9
HORSE RIDING AND DRIVING

PART I. DEFINITIONS; SCOPE

§ 10-901. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(City Code, 1976/83, art. 19, §32(a)(intro).) (Ord. 99-548; Ord. 11-573.)

(b) *Horse.*

"Horse" means a horse, pony, donkey, or mule that is:

(1) owned, driven, used, or quartered in the City, whether permanently or temporarily; and

(2) used for:

(i) riding, driving, or breeding;

(ii) showing or performing in any exhibition or animal show; or

(iii) any work or labor.
(City Code, 1976/83, art. 19, §32(a)(7)(parts).) (Ord. 99-548; Ord. 11-573.)

(c) *Driving*.

"Driving" means the process of using a horse:

(1) for riding; or

(2) for pulling a wagon, cart, carriage, or other vehicle or device.
(City Code, 1976/83, art. 19, §32(a)(5).) (Ord. 99-548; Ord. 11-573.)

(d) *Driving license*.

"Driving license" means a license issued by the Commissioner to use a horse:

(1) for riding; or

(2) for pulling a wagon, cart, carriage, or other vehicle or device.
(City Code, 1976/83, art. 19, §32(a)(4).) (Ord. 99-548; Ord. 11-573.)

(e) *Stable.*

"Stable" means any place where horses are:

(1) boarded or displayed;

(2) rented for riding, driving, or other purposes; or

(3) bred, bought, sold, trained, or traded.

(City Code, 1976/83, art. 19, §32(a)(13).) (Ord. 99-548.)

(f) *Stable operator.*

"Stable operator" means the person who owns or is in charge of a stable.

(City Code, 1976/83, art. 19, §32(a)(10).) (Ord. 99-548; Ord. 11-573.)

§ 10-902. Exemptions.

This subtitle does not apply to any horse that is:

(1) in the custody of a zoological park or its agents or contractors, if the zoological park is licensed under this title and regulated by a Maryland or federal agency;

(2) in a laboratory where scientific research is carried out under regulation of a Maryland or federal agency; or

(3) regulated by the Maryland Racing Commission.

(City Code, 1976/83, art. 19, §32(a)(7)(parts).) (Ord. 99-548; Ord. 11-573.)

§§ 10-903 to 10-904. ***{Reserved}***

PART II. DRIVING LICENSES

§ 10-905. License required.

(a) *In general.*

Except as otherwise specified in this section, no one may drive a horse unless:

(1) he or she is 18 years old or older;

(2) has been issued a driving license by the Commissioner; and

(3) has that driving license with him or her while driving the horse.

(b) *Exceptions.*

This section does not apply to the rider of a horse that is being held or led, during the entire period of rental or use, by a custodian with a valid driving license.

(c) *Waivers.*

The Commissioner may waive the requirements of this section for individuals participating in:

(1) animal shows;

(2) organized competitions;

(3) special events involving the transportation of people in carriages or sleighs; or

(4) similar events.

(City Code, 1976/83, art. 19, §32(m)(1), (6).) (Ord. 99-548; Ord. 11-573.)

§ 10-906. Applications.

The application for a driving license must:

(1) be in the form that the Commissioner requires;

(2) be accompanied by an affidavit certifying that the applicant has never been convicted of animal abuse, cruelty, or neglect; and

(3) contain the information that the Commissioner considers necessary to determine whether an applicant:

(i) is capable of humanely handling a horse; and

(ii) otherwise qualified for a driving license under this subtitle and the rules and regulations adopted under it.

(City Code, 1976/83, art. 19, §32(m)(2), (3), (4)(part).) (Ord. 99-548; Ord. 11-573.)

§ 10-907. Issuance; Form.

(a) *Issuance.*

The Office must issue a driving license to the applicant if:

(1) the applicant qualifies for the license; and

(2) pays the required fee.

(b) *Form.*

The driving license must contain:

(1) the licensee's full legal name, current address, date of birth, sex, height, weight, and eye, skin, and hair colors; and

(2) a clear, full-face, head-and-shoulders photograph of the driver that:

(i) was taken within the preceding 12 months; and

(ii) measures 1¼" by 1¼".

(City Code, 1976/83, art. 19, §32(m)(5), (4)(1st, 2nd sens.)).) (Ord. 99-548; Ord. 11-573.)

§ 10-908. Term.

Unless sooner suspended or revoked, a driving license expires annually on the anniversary date of its issuance.

(City Code, 1976/83, art. 19, §32(m)(4)(3rd sen.).) (Ord. 99-548; Ord. 11-573.)

§ 10-909. Denial, suspension, revocation, etc.

The Commissioner of Health may deny, amend, suspend, revoke, or refuse to renew a driving license as provided in Subtitle 2, Part III, of this title.

(City Code, 1976/83, art. 19, §32(n).) (Ord. 99-548; Ord. 11-573.)

§§ 10-910 to 10-911. *{Reserved}*

PART III. REQUIRED CARE

§ 10-912. Examination by veterinarian.

(a) *Annual examination required.*

The custodian of every horse must have the horse examined by a veterinarian at least once a year.

(b) *Scope of examination.*

The examination must cover:

(1) the general condition of the horse and its teeth, hoofs, and shoes; and

(2) the horse's stamina and physical ability to carry the loads and perform the work for which it is intended.

(c) *Veterinarian's record.*

(1) The veterinarian must make a record of:

(i) any injury, disease, or deficiency detected; and

(ii) any prescription or recommendation for curing or correcting that condition or for any other disposition of the horse.

(2) The veterinarian must provide a copy of that record to the horse's custodian.

(d) *Custodian to retain records.*

The custodian must:

(1) keep a copy of the record for at least 3 years; and

(2) make it available for inspection by an animal enforcement officer, police officer, or humane officer during normal business hours.

(City Code, 1976/83, art. 19, §32(b).) (Ord. 99-548; Ord. 11-573.)

§ 10-913. General limitations on use.

Whenever a horse is being used for any purpose on the streets of the City, the custodian of the horse:

(1) must treat the horse in a humane manner, never beat or prod it in any way that will cause pain or injury to the horse, and never intentionally, knowingly, or obviously be cruel to the horse;

(2) may not use, work, drive, ride, or require labor from the horse for more than 10 hours in any 24-hour period, without adequate rest periods during those 10 hours;

(3) at reasonable intervals, must permit the horse to have food and drinking water from a clean container that is of sufficient size and in good condition;

(4) during times of cold or inclement weather, must drape the body of the horse, from forelegs to hind legs, with a warm covering that is in good condition;

(5) must attend the horse at all times, as follows:

(i) if the horse is only being used for riding purposes, it must be securely tied to an immovable object or held, led, or mounted by an individual who is physically able to maintain full control of the horse; and

(ii) if the horse is being used for any other driving purpose, it must be within 75 feet of its custodian and within the custodian's sight;

(6) may not overdrive or overload the horse, as evidenced by physical stress, strain, or exhaustion of the horse; and

(7) must obey any order issued by the Commissioner that relates to the care and treatment of the horse.

(City Code, 1976/83, art. 19, §32(a)(1), (f), (g)(4).) (Ord. 99-548; Ord. 11-573.)

§ 10-914. Limitations on driving – General.

Whenever a horse is being used for driving purposes on the streets of the City, the custodian of the horse:

(1) must assure that any wagon, cart, carriage, vehicle, or similar device being used is in good condition, that its axles are well-greased, and that its operating mechanisms are in good working order;

(2) during warm weather, must park the horse in the shade when practicable;

(3) if the wagon, cart, carriage, vehicle, or similar device is equipped with brakes, must put the brakes into a locked position at all times when not moving; and

(4) may not cause or permit the horse to gallop.

(City Code, 1976/83, art. 19, §32(g)(1) - (3), (5)).) (Ord. 99-548; Ord. 11-573.)

§ 10-915. Limitations on driving – Weather.

(a) *In general.*

No custodian of a horse may permit its use or work on the public streets whenever:

(1) the real or effective temperature exceeds 92° F. or falls below 20° F., as announced by the local radio service;

(2) an official "snow emergency" is in effect; or

(3) because of adverse weather conditions, the Commissioner of Health or some other authorized official of the City issues a determination, by radio or other means, that it would be dangerous or unsuitable for a horse to be on the streets.

(b) *Return to stable.*

If a horse is already in use when a condition described in subsection (a) of this section begins, the custodian must immediately return the horse, by the most direct route, to the stable from which it was obtained.

(City Code, 1976/83, art. 19, §32(h).) (Ord. 99-548; Ord. 11-573.)

§ 10-916. Equipment.

The custodian of every horse:

(1) must assure that the saddle, harness, shoes, bridle, and all other equipment required or in use:

(i) are in good working order;

(ii) fit properly; and

(iii) will not cause physical pain or injury to the horse;

(2) may not use curb bits, twisted wire, twisted wire snaffles, spurs, bucking straps, flank straps, or similar devices; and

(3) must inspect the horse and all its equipment and other attachments:

(i) whenever it departs from the stable;

(ii) whenever it returns to the stable; and

(iii) if not being used, at least once daily.

(City Code, 1976/83, art. 19, §32(i).) (Ord. 99-548; Ord. 11-573.)

§ 10-917. Quarters.

(a) *Proper quarters required.*

(1) Every custodian must ensure that every horse is quartered in a lighted, clean, dry, and properly ventilated stable or barn and that all other requirements of this section are met.

(2) if the quarters for the horse meet the definition of "horse riding and rental stables" in State Agriculture Article, title 2, Subtitle 7, the custodian and owner must also comply with the applicable requirements of that law.

(b) *Stalls.*

Every horse's stall must be:

(1) large enough to permit the horse to turn around easily;

(2) cleaned daily; and

(3) supplied with adequate bedding of straw, shavings, or other suitable hygienic material, which must be changed as often as necessary to maintain a clean and dry condition.

(c) *Blankets.*

Blankets must be available and used as necessary during cold winter periods.

(d) *Identification.*

For emergency purposes, the exterior of the stable or barn entrance must conspicuously display, in at least 2-inch lettering, the custodian's full name, business address, and business and home telephone numbers.

(City Code, 1976/83, art. 19, §32(j).) (Ord. 99-548; Ord. 11-573.)

§ 10-918. Sick or injured horses.

(a) *Treatment required; unnecessary moving prohibited.*

If a horse is sick, diseased, lame, injured, or in pain:

(1) the custodian of the horse must take action to obtain immediate veterinary treatment, care, and attention; and

(2) the horse may not be moved or driven, except:

(i) to obtain required veterinary treatment, care, and attention; or

(ii) to obtain immediate humane keeping or pasture.

(b) *Use during recovery period.*

During the recovery or convalescent period, the horse may not be used or worked unless the custodian has a signed, dated certificate from the treating veterinarian stating that the horse's condition will not be impaired or aggravated by the activity.

(c) *Disposal.*

A sick, diseased, lame, or injured horse may not be disposed of except in a humane manner.

(City Code, 1976/83, art. 19, §32(k).) (Ord. 99-548; Ord. 11-573.)

§§ 10-919 to 10-920. ***{Reserved}***

PART IV. MISCELLANEOUS REQUIREMENTS

§ 10-921. Identification cards.

(a) *Possession on streets required.*

Whenever any horse is on a street, the custodian must have available, for immediate inspection by the Commissioner or by an animal enforcement officer, police officer, or humane officer, the horse identification card required by this section.

(b) *Form and contents.*

The horse identification card must:

(1) be on the form that the Commissioner provides;

(2) be signed and dated by a veterinarian within the preceding 12 months;

(3) describe the horse, including its sex, age, height, color, markings, and other identifying information;

(4) describe the stamina and physical condition of the horse;

(5) describe any conditions that might restrict or affect the use, movement, or driving of the horse; and

(6) contain the name, address, and telephone number of:

(i) the stable where the horse is quartered; and

(ii) the owner of the horse.

(c) *Owner to provide card to custodian.*

Whenever the owner of a horse rents or otherwise places it in the care or custody of any person, the owner must provide that person with the horse identification card required by this section.

(City Code, 1976/83, art. 19, §32(c).) (Ord. 99-548; Ord. 11-573.)

§ 10-922. Driving under the influence.

No one may ride, lead, control, drive, work, exhibit, handle, care for, maintain, or supervise any horse while:

(1) intoxicated;

(2) under the influence of any intoxicating beverage or substance; or

(3) under the influence of any drugs.

(City Code, 1976/83, art. 19, §32(d).) (Ord. 99-548; Ord. 11-573.)

§ 10-923. Registry of rentals.

(a) *Scope.*

This section does not apply to the transportation of people in a carriage or sleigh that is driven by a licensed driver.

(b) *Registry required; contents.*

The operator of any stable that rents horses must maintain a written registry that contains:

(1) the full name and address of every person who rents a horse;

(2) the identity of the horse; and

(3) the exact period during which the horse was rented.

(c) *Maintenance and inspection.*

The registry record must be:

(1) kept for at least 3 years after the renting; and

(2) available for inspection by the Commissioner or by an animal enforcement officer, a police officer, or a humane officer during normal business hours.

(City Code, 1976/83, art. 19, §32(e).) (Ord. 99-548; Ord. 11-573.)

§ 10-924. Display of vehicle license.

The owner or operator of any horsedrawn vehicle must assure that the City license issued for the vehicle is kept clean, securely fastened, and prominently displayed on the vehicle.

(City Code, 1976/83, art. 19, §32(l).) (Ord. 99-548; Ord. 11-573.)

SUBTITLE 10
HEARINGS AND JUDICIAL REVIEW

PART I. ANIMAL HEARING PANEL

§ 10-1001. Panel established.

There is an Animal Hearing Panel in the Department.
(City Code, 1976/83, art. 11, §40A(b)(part).) (Ord. 99-548; Ord. 11-573.)

§ 10-1002. Appointment and organization.

(a) *Appointment; Qualifications.*

(1) The Panel comprises at least 3 members appointed by the Commissioner.

(2) The members of the Panel must have expertise in animal behavior.

(b) *Term.*

The term of a member of the Panel is at the discretion of the Commissioner.

(c) *Compensation*.

Editor's Note: The text of Ordinance 11-573 shows this subsection as having been stricken entirely from the bill. In fact, that textual strike out was a clerical error. This subsection, providing *for* the payment of compensation, was part of the bill, as introduced. On second reader, one of several committee amendments would have rewritten the subsection to *preclude* compensation, but a floor amendment was adopted to reject that committee amendment. The result clearly intended was to return the language of the subsection to that in the bill as initially introduced.

Panel members are compensated as provided in the Ordinance of Estimates, but receive no benefits from the City.
(City Code, 1976/83, art. 11, §40A(b)(part).) (Ord. 99-548; Ord. 11-573.)

§ 10-1003. Rules and regulations.

(a) *Panel may adopt*.

The Panel may adopt rules and regulations to govern its procedures and hearings.

(b) *Filing with Legislative Reference.*

A copy of all rules and regulations must be filed with the Department of Legislative Reference before they take effect.
(City Code, 1976/83, art. 11, §40A(b)(3).) (Ord. 99-548; Ord. 11-573.)

PART II. HEARINGS AND DECISIONS

§ 10-1004. Opportunity for hearing.

(a) *Licenses and permits.*

(1) Before the Office takes any final action to deny, amend, suspend, revoke, or refuse to renew a license or permit, the Office must notify the person against whom the action is contemplated of the proposed action.

(2) The notice must state that a hearing will be provided if, within 10 days of the notice (or any longer period specified in the notice), the person files with the Panel a written request for a hearing.

(b) *Other situations.*

(1) In all other situations, any person aggrieved by a notice, order, decision, or other action of the Office may request a hearing on the matter.

(2) The request must:

(i) be in writing;

(ii) state the grounds on which the person is contesting the notice, decision, order, or other action; and

(iii) unless a different time is specified in this article, be filed with the Panel within 10 days of the notice, decision, order, or other action.

(City Code, 1976/83, art. 11, §40A(e)(1) - (3).) (Ord. 99-548; Ord. 11-573.)

§ 10-1005. Conduct of hearing.

(a) *Quorum for hearings.*

(1) Any hearing pertaining to the determination of whether an animal is a dangerous or vicious animal requires the presence of 3 members of the Panel.

(2) All other hearings under this title only require the presence of at least 1 member of the Panel.

(b) *Scheduling hearing.*

Once a timely request for a hearing is filed, the Panel must promptly schedule the hearing.

(c) *Notice.*

(1) At least 5 days before the hearing, the Panel must provide notice of the hearing to the owner or custodian of the animal, any complainant, and any other interested parties.

(2) Except as otherwise provided by law or by rule or regulation of the Panel, the notice must contain the same information as that required by Title 2, Subtitle 3 {"Administrative Hearings"} of this article.

(d) *Conduct of hearing.*

Except as otherwise provided by law or by rule or regulation of the Panel, the hearing must be conducted in an informal manner, subject to the same procedures and standards for the submission and consideration of evidence as that provided in Title 2, Subtitle 3 {"Administrative Hearings"} of this article.

(Ord. 11-573.)

§ 10-1006. Panel decision.

(a) *In general.*

The decision of the Panel must comply with the same requirements as those imposed by Title 2, Subtitle 3 {"Administrative Hearings"} of this article.

(b) *Specific considerations.*

(1) On the question of whether an animal is a vicious animal, the Panel must determine, based on the facts presented:

(i) whether the animal:

A. is a vicious animal;

B. is not a vicious animal, but is a dangerous animal; or

C. is neither a vicious nor a dangerous animal; and

(ii) what, if any, corrective action is appropriate.

(2) On the question of whether an animal is a dangerous animal, the Panel must determine, based on the facts presented:

(i) whether the animal:

A. is a dangerous animal; or

B. is not a dangerous animal; and

(ii) what, if any, corrective action is appropriate.

(3) On the question of any other violation of the animal control and protection laws, rules, and regulations of this City and State, the Panel must determine:

(i) a violation has or has not occurred; and

(ii) what, if any, corrective action is appropriate.

(City Code, 1976/83, art. 11, §40A(e)(4), (5).) (Ord. 99-548; Ord. 07-632; Ord. 11-573.)

§ 10-1007. Corrective actions.

(a) *Animal found to be vicious.*

If the Panel determines that an animal is a vicious animal, the Board:

(1) must direct the Commissioner to immediately euthanize the animal in the most humane way possible; and

(2) may:

(i) require the owner or custodian to pay all costs of impoundment; and

(ii) refer the matter to the State's Attorney for prosecution.

(b) *Animal found to be dangerous.*

If the Panel determines that the animal is a dangerous animal, the Panel:

(1) must require the owner or custodian to take whatever corrective actions the Panel finds necessary or appropriate; and

(2) may require the owner or custodian to pay all costs of impoundment.

(c) *All other violations.*

If the Panel determines that the owner or custodian is in violation of an animal control or protection law, rule, or regulation of this City or State, the Panel:

(1) must require the owner or custodian to take whatever corrective actions the Panel finds necessary or appropriate; and

(2) may require the owner or custodian to pay all costs of impoundment or related to the violation.

(Ord. 11-573.)

PART III. ADMINISTRATIVE AND JUDICIAL REVIEW

§ 10-1008. Appeal to Commissioner.

(a) *Right to seek.*

(1) If a party is aggrieved by the decision of the Panel, the party may appeal the decision to the Commissioner as provided in this section.

(2) Title 2, Subtitle 3 {"Administrative Hearings"} of this article does not apply to this appeal.

(b) *Time and manner of request.*

The appeal must be in writing and submitted to the Commissioner within 10 days of the Panel's decision.

(c) *Final decision.*

(1) The Commissioner may modify the Panel's decision within 10 days of the appeal, in which case the decision of the Commissioner is the final decision of the Department.

(2) If the Commissioner does not modify the Panel's decision within 10 days of the appeal, the decision of the Panel becomes the final decision of the Department.

(Ord. 11-573.)

§ 10-1009. Judicial and appellate review.

(a) *Judicial review.*

A party aggrieved by a final decision under this title may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) *Appellate review.*

A party to the judicial review may appeal the Circuit Court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

(City Code, 1976/83, art. 11, §40A(f).) (Ord. 99-548; Ord. 04-672; Ord. 11-573.)

§ 10-1010. Holding animal pending appeals.

(a) *Office to hold animal.*

The Office may continue to hold and care for an animal impounded under this title until all appeals are completed.

(b) *Expenses of holding animal.*

All costs for care or other expenses of the animal incurred by the Office from the time of the impoundment to that final decision of the Court are a personal debt due to the City or its agent by the owner or custodian of the animal.

(Ord. 11-573.)

§ 10-1011. Costs of care pending judicial review.

(a) *Prepayment of estimated costs required.*

If an animal's owner or custodian petitions for judicial review of the final decision of the Department, the animal's owner or custodian must prepay to the City or its agent the estimated cost of caring for the animal for each 30-day period during the review, beginning on the date of the petition for review.

(b) *Office to estimate.*

The Office or its agent must estimate the cost, which may include:

(1) food, veterinary care, and other necessities that a responsible owner or custodian would provide for the animal; and

(2) other costs, such as staffing and administrative expenses, allowed by rule or regulation of the Commissioner.

(c) *Time, method of payment.*

(1) The owner or custodian must prepay the estimated costs within 10 days of receiving notice from the Office or its agent of the amount.

(2) The prepayment must be made in cash or by bond or other method acceptable to the Director of Finance.

(d) *Judicial reversal.*

If the final decision of the Court overturns the impoundment, the City must reimburse the owner or custodian for all payments made by the owner or custodian for the care of the animal during impoundment.

(Ord. 11-573.)

SUBTITLE 11
PENALTIES

§ 10-1101. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this title may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this title does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(City Code, 1976/83, art. 11, §41(g), art. 19, §§32(q), 145(i)(part).) (Ord. 99-548; Ord. 03-595; Ord. 11-573.)

§ 10-1102. Criminal penalties.

(a) *In general.*

(1) Any person who violates any provision of this title, or a rule or regulation adopted under this title, or a lawful directive or order issued under this title is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in this section.

(2) Each day that a violation continues is a separate offense.

(b) *Basic penalty: $1,000.*

Except as otherwise specified in the section, the penalty for a violation is a fine of not more than $1,000 for each offense.

(c) *Misrepresentation: $1,000 and 30 days.*

For a violation of § 10-112 {"Obstructing, etc., officer; False statements"} of this title, the penalty is a fine of not more than $1,000 or imprisonment for not more than 30 days or both fine and imprisonment for each offense.

(d) *Animal Protection: $1,000 and 90 days.*

For a violation of Subtitle 4 {"Animal Protection"} or Subtitle 9 {"Horse Riding and Driving"} of this title, the penalty is a fine of not more than $1,000 or imprisonment for not more than 90 days or both fine and imprisonment for each offense.

(e) *Attack dogs and vicious dogs: $1,000 and 6 months.*

For a violation of § 10-701 {"Attack dogs"} or § 10-706 {"Vicious animals – Keeping prohibited"}of this title, the penalty is a fine of not more than $1,000 or imprisonment for not more than 6 months or both fine and imprisonment for each offense.

(City Code, 1976/83, art. 11, §37, inter alia, art. 19, §4, inter alia.) (Ord. 99-548; Ord. 11-573.)

TITLE 11
SWIMMING POOLS

SUBTITLE 1
DEFINITIONS

§ 11-101. Definitions.

(a) *In general.*

In this title, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *Swimming pool.*

(1) *In general.*

"Swimming pool" means any pool, hot tub, spa, or other body of water that is used for swimming, diving, wading, therapeutic, or recreational bathing.

(2) *Inclusions.*

"Swimming pool" includes any body of water described in paragraph (1) of this subsection, whether:

(i) in-ground, above-ground, or on-ground; or

(ii) indoor or outdoor.
(City Code, 1976/83, art. 11, §245(f), art. 19, §184(a)(1st cl.).) (Ord. 99-548.)

SUBTITLE 2
PRIVATE OUTDOOR SWIMMING POOLS

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 11-201. "Private outdoor pool" defined.

In this subtitle, "private outdoor pool" means any swimming pool that :

(1) is not a public swimming pool subject to Subtitle 3 {"Public Swimming Pools"} of this title; and

(2) is not totally contained within a building and surrounded on all sides by the building's walls.

(Ord. 99-548.)

§ 11-202. Purpose.

The purpose of this subtitle is to protect the inhabitants of the City, particularly children, from the hazards to life and safety inherent in unenclosed outdoor swimming pools.

(City Code, 1976/83, art. 19, §184(d).) (Ord. 99-548.)

§ 11-203. Scope of subtitle.

(a) *In general.*

This subtitle applies to all private outdoor pools in the City, whenever built.

(b) *Subtitle sets minimum requirements*.

This subtitle establishes minimum enclosure requirements only. All more stringent enclosure standards and other regulations imposed by the Building, Fire, and Related Codes Article of Baltimore City must be complied with to the extent applicable.

(Ord. 99-548; Ord. 13-093.)

§§ 11-204 to 11-205. *{Reserved}*

PART II. REQUIRED ENCLOSURE

§ 11-206. Fence or wall required.

Every outdoor swimming pool must be completely surrounded by a fence or wall that:

(1) is at least 42 inches high; and

(2) except for doors or gates:

(i) has no openings, holes, or gaps larger than 4 inches in any dimension; or

(ii) for a picket fence, has a horizontal distance between pickets of no more than 4 inches.

(City Code, 1976/83, art. 19, §184(a).) (Ord. 99-548.)

§ 11-207. Gates and doors.

(a) *In general.*

Except as specified in subsection (b) of this section, every gate or door opening through the enclosure must be equipped with a self-closing, self-latching device that keeps the gate or door securely closed at all times when not in actual use.

(b) *Exception.*

This section does not apply to the door of any dwelling house that forms a part of the enclosure.

(City Code, 1976/83, art. 19, §184(b).) (Ord. 99-548.)

§ 11-208. Owner and occupant responsible for compliance.

Compliance with the requirements of this subtitle is the duty, jointly and severally, of both:

(1) the owner of premises; and

(2) the person who occupies the land on which the outdoor swimming pool is located.

(City Code, 1976/83, art. 19, §184(c).) (Ord. 99-548.)

§ 11-209. Modifications.

(a) *Individual cases.*

In individual cases, the Department of Housing and Community Development may modify one or more of the requirements of this subtitle on a showing of good cause and satisfactory assurances that the degree of protection is not reduced.

(b) *Alternative devices.*

The Department of Housing and Community Development also may permit the use of protective devices or structures other than those specified in this subtitle, so long as the degree of protection is not reduced.

(City Code, 1976/83, art. 19, §184(e).) (Ord. 99-548.)

§§ 11-210 to 11-211. ***{Reserved}***

PART III. PENALTIES

§ 11-212. Penalties: $500.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $500 for each offense.

(City Code, 1976/83, art. 19, §184(f).) (Ord. 99-548.)

SUBTITLE 3
PUBLIC SWIMMING POOLS

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 11-301. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(City Code, 1976/83, art. 19, §184(f).) (Ord. 99-548.)

(b) *Person.*

"Person" includes, except as used in § 11-318 {"Penalties"} of this title, a governmental entity or an instrumentality or unit of a governmental entity.
(City Code, 1976/83, art. 11, §245(c).) (Ord. 99-548.)

(c) *Public swimming pool.*

(1) *In general.*

"Public swimming pool" means:

(i) any swimming pool, other than as specified in paragraph (3) of this subsection, intended to be used collectively by individuals, regardless of whether a fee is charged for that use; and

(ii) all buildings and appurtenances used in connection with that swimming pool.

(2) *Inclusions.*

"Public swimming pool" includes:

(i) any community or apartment-complex swimming pool;

(ii) any hotel or motel swimming pool;

(iii) any school swimming pool;

(iv) any recreational center swimming pool; and

(v) any swimming pool owned or operated by a public or private club.

(3) *Exclusions.*

"Public swimming pool" does not include any swimming pool that is:

(i) located on private property;

(ii) under the control of the owner or lessee of that property; and

(iii) used only by the family and guests of that owner or lessee, without payment of any fee.

(City Code, 1976/83, art. 11, §245(d), (e), (f)(last cl.).) (Ord. 99-548.)

§ 11-302. Scope of subtitle.

This subtitle applies to all public swimming pools and to the buildings and appurtenances used in connection with them.

(City Code, 1976/83, art. 11, §244(b).) (Ord. 99-548.)

§ 11-303. General powers of Commissioner.

(a) *Standards and criteria.*

The rules and regulations that the Commissioner adopts under § 2-106 of this article may include criteria, standards, and regulations for the design, operation, and maintenance of public swimming pools.

(b) *Fees.*

With the approval of the Board of Estimates, the Commissioner may establish fees for:

(1) the licenses issued under this subtitle; and

(2) the inspections and other services performed by the Commissioner in connection with the regulation of public swimming pools.

(c) *Inspections.*

The Commissioner may inspect a public swimming pool as necessary or appropriate to assure compliance with the requirements of this subtitle and the rules and regulations adopted under it.

(City Code, 1976/83, art. 11, §246(a), (b), (d).) (Ord. 99-548.)

§§ 11-304 to 11-305. *{Reserved}*

PART II. LICENSE REQUIRED

§ 11-306. In general.

No person may operate any public swimming pool in the City without a license to do so from the Commissioner of Health.

(City Code, 1976/83, art. 11, §247(a).) (Ord. 99-548.)

§ 11-307. Applications.

The application for a license must:

(1) be in the form that the Commissioner requires; and

(2) contain the information that the Commissioner requires.
(Ord. 99-548.)

§ 11-308. Issuance of license.

The Commissioner must issue a license to the applicant if:

(1) the public swimming pool complies with the criteria, standards, and regulations adopted by the Commissioner; and

(2) the applicant:

(i) has complied with all other applicable laws, rules, and regulations; and

(ii) pays the applicable license and inspection fee.
(City Code, 1976/83, art. 11, §247(e).) (Ord. 99-548.)

§ 11-309. Term of license.

(a) *In general.*

Public swimming pool licenses are issued on an annual or seasonal basis.

(b) *Annual licenses.*

Unless sooner suspended or revoked, an annual license expires on the 1st anniversary of its effective date.

(c) *Seasonal licenses.*

(1) Unless sooner suspended or revoked, a seasonal license is valid from May 1 to October 1.

(2) The application for a seasonal license must be submitted by April 1 of each year.
(City Code, 1976/83, art. 11, §247(b), (c).) (Ord. 99-548.)

§ 11-310. License not transferable.

A license may not be transferred from place to place or person to person.
(City Code, 1976/83, art. 11, §247(f).) (Ord. 99-548.)

§§ 11-311 to 11-312. *{Reserved}*

PART III. SUSPENSIONS AND REVOCATIONS

§ 11-313. In general.

Subject to the hearing provisions of Title 2, Subtitle 3 {"Administrative Hearings"} of this article, the Commissioner of Health may suspend or revoke any license issued under this subtitle if the licensee:

(1) has withheld or falsified any information; or

(2) neglects, refuses, or otherwise fails to comply with any provision of:

(i) this subtitle; or

(ii) a rule or regulation adopted under this subtitle.

(City Code, 1976/83, art. 11, §§246(c), 249(a).) (Ord. 99-548.)

§ 11-314. Immediate suspension.

(a) *Order of suspension.*

If the Commissioner discovers a violation that represents a health or safety hazard to users of a pool, the Commissioner may issue an order of immediate suspension to the licensee.

(b) *Contents.*

An order issued under this section must:

(1) cite the violation;

(2) specify the corrective action to be taken; and

(3) order all swimming operations to be discontinued immediately.

(c) *Opportunity for hearing.*

The notice must also state that a hearing will be provided to the licensee under Title 2, Subtitle 3 {"Administrative Hearings"} of this article, if one is requested.

(City Code, 1976/83, art. 11, §248.) (Ord. 99-548.)

§§ 11-315 to 11-316. ***{Reserved}***

PART IV. PENALTIES

§ 11-317. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(Ord. 99-548.)

§ 11-318. Penalties: $1,000 and 6 months.

(a) *In general.*

Any person who violates any provision of this subtitle or of a rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $1,000 or to imprisonment for not more than 6 months or to both fine and imprisonment for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.
(City Code, 1976/83, art. 11, §250.) (Ord. 99-548.)

TITLE 12
TOBACCO PRODUCTS

SUBTITLE 1
INDOOR SMOKING

Editor's Note: This subtitle was enacted by Ordinance 07-392 (approved February 28, 2007). Section 4 of Ord. 07-392, as subsequently amended by Ord. 07-497, provides that the new law takes effect February 1, 2008.

Chapters 501 and 502, Laws of Maryland 2007 (approved May 17, 2007) enacted a statewide "Clean Indoor Air Act", codified at State Health-General Article, Title 24, Subtitle 5. The prohibitions become effective February 1, 2008 {He § 24-504}. The State law expressly states that it does not "preempt a county ... from enacting and enforcing more stringent measures" {He § 24-510}.

§ 12-101. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Enclosed area*.

(1) "Enclosed area" means an area that is bounded on all sides by walls that extend, with or without doors, windows, vents, or like openings, from floor to ceiling.

(2) "Enclosed area" includes the interior of a vehicle.

(c) *Person in charge*.

"Person in charge" means the person who owns, operates, or manages a place subject to this subtitle.

(d) *Smoke.*

"Smoke" means to inhale, burn, or carry any lighted cigarette, cigar, pipe tobacco, or other tobacco, weed, or plant product of any kind.

(Ord. 07-392.)

§ 12-102. Scope.

Nothing in this subtitle precludes an employer or other person in charge from prohibiting smoking in open or enclosed areas not covered by this subtitle.

(Ord. 07-392.)

§§ 12-103 to 12-104. *{Reserved}*

§ 12-105. Where smoking prohibited.

Except as otherwise specified in this subtitle, smoking is prohibited in:

(1) any enclosed area to or in which the public is invited or permitted; or

(2) any enclosed area that is part of a place of employment.

(Ord. 07-392.)

§ 12-106. Exceptions – General.

This subtitle does not apply to the following:

(1) any part of a private residence that is not open to the public for business purposes, except as required by COMAR 13A.14.01.

(2) a private vehicle.

(3) a sleeping room in a hotel or motel, as long as that hotel or motel maintains at least 75% of all its sleeping rooms as smoke-free.

(4) smoking as an integral part of a theatrical performance held in a facility primarily used for theatrical performances.

(5) smoking as an integral part of a religious ceremony.

(6) smoking at an analytical or educational laboratory as an integral part of scientific research into the health effects of smoke.

(7) smoking that is permitted in a hospital, nursing home, or other health care facility under State Health-General Article, § 24-205.

(Ord. 07-392.)

§ 12-107. Exceptions – Private clubs, smoking bars, tobacconists.

(a) *In general.*

This subtitle does not apply to a private club or lodge, a smoking bar, or a retail tobacco establishment that qualifies for an exemption under this section.

(b) *Qualifications.*

(1) A private club or lodge qualifies under this section only if it:

(i) has a limited membership elected pursuant to its charter or bylaws;

(ii) excludes the general public from its premises or place of meeting;

(iii) is organized with officers and directors;

(iv) holds all property for the common benefit of its members; and

(v) does not permit nonmembers to pay a temporary fee to use its premises or attend its meetings.

(2) A smoking bar qualifies under this section only if it:

(i) is licensed under State Code Article 2B to serve alcoholic beverages;

(ii) derives at least 50% of its revenues, measured by average daily receipts, from the sale of non-cigarette tobacco products;

(iii) has a ventilation system that prevents smoke from infiltrating into any area where smoking is prohibited under this subtitle; and

(iv) prohibits the entry of minors at all times.

(3) A retail tobacco establishment qualifies under this section only if it:

(i) derives at least 75% of its revenues, measured by average daily receipts, from the sale of non-cigarette tobacco products;

(ii) has a ventilation system that prevents smoke from infiltrating into any area where smoking is prohibited under this subtitle; and

(iii) prohibits the entry of minors at all times.

(Ord. 07-392.)

§ 12-108. Waivers.

(a) *Authority to grant.*

On written application, the Commissioner may grant a waiver from the application of a specific provision of this subtitle, if the applicant for the waiver establishes that:

(1) compliance with that provision would cause undue financial hardship; or

(2) other factors exist that would render compliance unreasonable.

(b) *Conditions and restrictions.*

The Commissioner may impose conditions or restrictions on the waiver as necessary or appropriate to:

(1) minimize the adverse effects of the waiver on individuals involuntarily exposed to second-hand smoke; and

(2) ensure that the waiver is consistent with the purposes of this subtitle.

(Ord. 07-392.)

§§ 12-109 to 12-110. ***{Reserved}***

§ 12-111. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation as authorized by City Code Article 1, Subtitle 41 {"Civil Citations"}

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 07-392.)

§ 12-112. Penalties: Varied.

(a) *Smoker: $500.*

Any person who smokes in violation of this subtitle is subject to a civil fine of not more than $500 for each offense.

(b) *Employer or person in charge: $750.*

(1) Any employer or other person in charge who violates a provision of this subtitle or who knowingly allows a violation is subject to a civil fine of not more than $750 for each offense.

(2) It is an affirmative defense that the employer, other person in charge, or an agent of the employer or other person in charge:

(i) posted a "No Smoking" sign at each entrance used by the public; and

(ii) removed all ashtrays and other smoking paraphernalia from all areas where smoking is prohibited; and

(iii) in a bar or restaurant:

(A) refused to seat or serve any person who smoked where smoking is prohibited; and

(B) if the person continued to smoke after an initial warning, asked the person to leave the establishment.

(3) Each day that a violation continues is a separate offense.
(Ord. 07-392; Ord. 10-340.)

SUBTITLE 2
SALE OF UNPACKAGED CIGARETTES

§ 12-201. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(City Code, 1976/83, art. 19, §8A(a)(intro).) (Ord. 99-548.)

(b) *Unpackaged cigarette.*

"Unpackaged cigarette" means any cigarette not contained in a sealed package of 20 or more cigarettes that are designed and intended to be sold or distributed as a unit.
(City Code, 1976/83, art. 19, §8A(a)(3).) (Ord. 99-548; Ord. 01-072.)

§ 12-202. Sale of unpackaged cigarettes prohibited.

No person may sell or otherwise transfer for consideration unpackaged cigarettes to any other person.
(City Code, 1976/83, art. 19, §8A(a)(2), (b).) (Ord. 99-548.)

§ 12-203. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(Ord. 01-072; Ord. 03-595.)

§ 12-204. Penalties.

Any person who violates any provisions of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $1,000 for each offense.
(City Code, 1976/83, art. 19, §8A(c).) (Ord. 99-548; Ord. 01-072.)

SUBTITLE 3
DISTRIBUTION OF SAMPLES AND COUPONS

§ 12-301. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *Distribute.*

"Distribute" means to:

(1) give, sell, deliver, or offer to give, sell, or deliver; or

(2) cause or hire any person to give, sell, deliver, or offer to give, sell, or deliver.
(City Code, 1976/83, art. 11, §284(a)(1).) (Ord. 99-548.)

(c) *Less than basic cost.*

"Less than basic cost" means:

(1) free of charge;

(2) for a nominal or discount price; or

(3) for any other price that is less than the distributor's cost plus any applicable tobacco taxes.
(City Code, 1976/83, art. 11, §284(a)(3).) (Ord. 99-548.)

(d) *Public place*

(1) *In general.*

"Public place" means any area, whether open or enclosed, to which members of the public are normally invited or permitted.

(2) *Inclusions.*

"Public place" includes parks, streets, sidewalks, sports fields, gymnasiums, shopping centers, and any property owned, occupied, or operated by the City.

(3) *Exclusions.*

"Public place" does not include any retail store.
(City Code, 1976/83, art. 11, §284(a)(6), (7).) (Ord. 99-548.)

§ 12-302. Exemptions.

(a) *Single cigarette.*

This subtitle does not apply to the distribution of a single cigarette.

(b) *Downtown area.*

This subtitle does not apply anywhere in the area within and bounded by:

(1) Centre Street on the north;

(2) the Fallsway on the east;

(3) Pratt Street on the south;

(4) Paca Street on the west; and

(5) Druid Hill Avenue on the northwest.

(c) *Published coupons.*

This subtitle does not apply to a coupon that is contained in a newspaper, magazine, or other type of publication in which the coupon is incidental to the primary purpose of the publication.

(d) *Private functions.*

This subtitle does not apply to the distribution of tobacco products or coupons at an event that is held in an enclosed area to which entry is not available to the general public but only to those whom the sponsor of the event invites.

(e) *Tobacco company employees.*

This subtitle does not apply to the distribution of tobacco products or coupons by a retailer, manufacturer, or distributor of tobacco products to its adult employees.

(City Code, 1976/83, art. 11, §284(a)(2), (5), (8), (c).) (Ord. 99-548.)

§ 12-303. Public distribution prohibited.

(a) *Tobacco products.*

Except as specified in § 12-302 {"Exemptions"} of this subtitle, no person in any public place or at any public event may distribute to a member of the public any tobacco product at less than basic cost.

(b) *Coupons.*

Except as specified in § 12-302 {"Exemptions"} of this subtitle, no person in any public place or at any public event may distribute to a member of the public any coupon that is redeemable for a tobacco product to members of the public in public places, in public areas or at public events.

(City Code, 1976/83, art. 11, §284(b).) (Ord. 99-548.)

§§ 12-304 to 12-305. ***{Reserved}***

§ 12-306. Penalties.

(a) *In general.*

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $500 for each offense.

(b) *Each distribution a separate offense*

Each person to whom a tobacco product is distributed constitutes a separate offense.

(City Code, 1976/83, art. 11, §284(d).) (Ord. 99-548.)

SUBTITLE 4
PLACEMENT OF TOBACCO PRODUCTS

§ 12-401. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(Ord. 01-076.)

(b) *Tobacco product.*

(1) *In general.*

"Tobacco product" means any substance that contains tobacco.

(2) *Inclusions.*

"Tobacco product" includes any:

(i) cigarette;

(ii) cigar;

(iii) bidi;

(iv) pipe or other smoking tobacco; or

(v) chewing tobacco, spit tobacco, snuff, or other smokeless tobacco.
(Ord. 01-076.)

§ 12-402. Placement requirements — In general.

(a) *Prohibited placement.*

Except as otherwise specified in this subtitle, no establishment that sells tobacco products at retail may display, store, or place any tobacco product anywhere that is accessible to customers without the intervention of the seller or an employee of the seller.

(b) *Examples of complying placement.*

The display, storage, or placement of tobacco products in accord with one of the following methods does not violate subsection (a) of this section:

(1) behind a sales counter in a place that, absent extraordinary efforts, is beyond the physical reach of customers;

(2) in a locked display case for which seller assistance is needed to gain access to products in the case; or

(3) in an overhead merchandise rack that:

(i) at its lowest point, is at least 6 feet above the floor; and

(ii) permits access to products in the rack only from the side facing away from customers.

(Ord. 01-076.)

§ 12-403. Placement requirements — Exceptions.

This subtitle does not apply to:

(1) the sale of tobacco products from a vending machine that complies with all requirements of State Business Regulation Article, Title 16, Subtitle 3A; or

(2) an establishment that:

(i) sells tobacco products exclusively or primarily; and

(ii) makes bona fide efforts to prevent minors from entering the establishment.

(Ord. 01-076.)

§§ 12-404 to 12-405. ***{Reserved}***

§ 12-406. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 01-076; Ord. 03-595.)

§ 12-407. Penalties: $500.

(a) *In general.*

Any owner, operator, or manager of an establishment that violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $500 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.
(Ord. 01-076.)

SUBTITLE 5
DISTRIBUTION TO MINORS

§ 12-501. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Distribute.*

"Distribute" means to:

(1) give away, sell, deliver, dispense, or issue;

(2) offer to give away, sell, deliver, dispense, or issue; or

(3) cause or hire any person to:

(i) give away, sell, deliver, dispense, or issue; or

(ii) offer to give away, sell, deliver, dispense, or issue.

(c) *Tobacco product.*

(1) *In general.*

"Tobacco product" means any substance that contains tobacco.

(2) *Inclusions.*

"Tobacco product" includes any:

(i) cigarette;

(ii) cigar;

(iii) bidi;

(iv) pipe or other smoking tobacco; or

(v) chewing tobacco, spit tobacco, snuff, or other smokeless tobacco.

(Ord. 02-322.)

§ 12-502. Unlawful distribution.

(a) *Persons in business.*

A person engaged in the business of selling or otherwise distributing tobacco products for commercial purposes may not:

(1) distribute any tobacco product to a minor, unless the minor is acting solely as the agent of an employer engaged in the business of distributing tobacco products;

(2) distribute any cigarette rolling paper to a minor; or

(3) distribute to a minor any coupon redeemable for any tobacco product.

(b) *Others.*

A person not described in subsection (a) of this section may not:

(1) buy for or sell to a minor any tobacco product; or

(2) buy for or sell or deliver to a minor any cigarette rolling paper.

(Ord. 02-322.)

§ 12-503. Exceptions.

(a) *Published coupon.*

This subtitle does not apply to the distribution of a coupon that is:

(1) contained in a newspaper, magazine, or other type of publication in which the coupon is incidental to the primary purpose of the publication; or

(2) sent through the mail.

(b) *Identification as adult.*

A person has not violated this subtitle if:

(1) the person examined a buyer's or recipient's driver's license or other identification issued by an employer, governmental entity, or institution of higher education; and

(2) the license or other identification identified the buyer or recipient as being at least 18 years old.

(Ord. 02-322.)

§§ 12-504 to 12-505. ***{Reserved}***

§ 12-506. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 02-322.)

§ 12-507. Penalties: $1,000.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $1,000 for each offense.

(Ord. 02-322.)

SUBTITLE 6
FLAVORED TOBACCO WRAPPINGS

§ 12-601. Definitions.

(a) *In general*

In this subtitle, the following terms have the meanings indicated.

(b) *Distribute.*

"Distribute" means to:

(1) sell, deliver, dispense, issue, transfer, or otherwise distribute;

(2) offer to sell, deliver, dispense, issue, transfer, or otherwise distribute; or

(3) cause or hire any person to:

(i) sell, deliver, dispense, issue, transfer, or otherwise distribute; or

(ii) offer to sell, deliver, dispense, issue, transfer or otherwise distribute.

(c) *Flavored tobacco wrapping.*

"Flavored tobacco wrapping" means any cigarette rolling paper or tobacco wrapping leaf or paper constituted from tobacco that is, or is held out to be, impregnated or scented with, or aged or dipped in, or has as a constituent part (including a smoke constituent) or additive, an artificial or natural flavor, alcoholic liquor, or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, coconut, licorice, cocoa, cherry, coffee, chocolate, vanilla, honey, or any other flavoring agent that is a characterizing flavor of the tobacco product or the tobacco smoke.

(Ord. 09-234.)

§ 12-602. Distribution prohibited

No person may distribute for consideration any flavored tobacco wrapping to any other person.

(Ord. 09-234.)

§ 12-603. Exception for certain tobacco shops.

This subtitle does not apply to the distribution of flavored wrapping paper by or to a retail tobacco establishment that:

(1) derives at least 75% of its revenues, measured by average daily receipts, from the sale of non-cigarette tobacco products;

(2) maintains for sale an inventory of loose tobacco products; and

(3) prohibits the entry of minors at all times.
(Ord. 09-234.)

§ 12-604. Exception for vending machine sales.

This subtitle does not apply to the sale or distribution of tobacco products by vending machines.
(Ord. 09-234.)

§ 12-605. *{Reserved}*

§ 12-606. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation as authorized by City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(Ord. 09-234.)

§ 12-607. Penalties: $1,000.

(a) *In general.*

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $1,000 for each offense.

(b) *Each wrapper a separate offense.*

Each individual wrapping distributed in violation of this subtitle is a separate offense.
(Ord. 09-234; Ord. 10-340.)

TITLE 13
TATTOO ESTABLISHMENTS

SUBTITLE 1
DEFINITIONS

§ 13-101. Definitions.

(a) *In general.*

In this title, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *Tattoo.*

"Tattoo" means to prick, pierce, or otherwise enter the skin or the mucous membrane of an individual for the purpose of inserting pigments or raising scars.
(Ord. 99-548.)

(c) *Tattoo establishment*.

"Tattoo establishment" means any place at which a tattoo is administered for any form of consideration.
(Ord. 99-548.)

(d) *Tattooist*.

"Tattooist" means any individual who administers a tattoo for any form of consideration.
(Ord. 99-548.)

SUBTITLE 2
LICENSING AND REGISTRATION

§ 13-201. License required for tattoo establishments.

No person may maintain, operate, or conduct a tattoo establishment in the City without a license to do so from the Commissioner of Health.
(City Code, 1976/83, art. 11, §216(a)(1st sen.).) (Ord. 99-548.)

§ 13-202. Registration required for tattooists.

No tattoo establishment may employ or otherwise allow any individual to act as a tattooist, and no individual may act as a tattooist, unless that individual has first registered with the Commissioner of Health.
(City Code, 1976/83, art. 11, §216(a)(1st sen.).) (Ord. 99-548.)

§ 13-203. Applications for license.

An application for a tattoo establishment license must:

(1) be on the form that the Commissioner provides; and

(2) contain the information that the Commissioner requires.
(Ord. 99-548.)

§ 13-204. Issuance of license; fee.

The Commissioner must issue a license to the applicant on receipt of:

(1) a completed application; and

(2) the annual license fee of $100.
(City Code, 1976/83, art. 11, §216(a)(2nd sen.).) (Ord. 99-548.)

§ 13-205. Term.

Unless sooner revoked, a license issued under this title expires annually on the anniversary of its issuance.
(City Code, 1976/83, art. 11, §216(a)(2nd sen.).) (Ord. 99-548.)

SUBTITLE 3
REGULATED ACTIVITIES

§ 13-301. Safety and sanitary standards.

All tattooing must be done in conformance with:

(1) the State regulations governing skin-penetrating body adornment procedures (COMAR 10.06.01.06H); and

(2) any additional conditions that the Commissioner adopts to protect the public health.
(City Code, 1976/83, art. 11, §216(b).) (Ord. 99-548.)

§§ 13-302 to 13-303. *{Reserved}*

§ 13-304. Tattooing minors prohibited.

No person may tattoo any minor.
(City Code, 1976/83, art. 19, §186(1st sen.).) (Ord. 99-548.)

SUBTITLE 4
ENFORCEMENT; PENALTIES

§ 13-401. Suspensions, revocations, etc.

Subject to the hearing provisions of Title 2, Subtitle 3 {"Administrative Hearings"} of this article, the Commissioner may suspend, revoke, or refuse to renew the license or registration of any person if that person, that person's tattoo establishment, or any tattooist employed by that person violates any provision of this title or of any order, rule, or regulation issued under this title.

(City Code, 1976/83, art. 11, §216(d).) (Ord. 99-548.)

§§ 13-402 to 13-403. *{Reserved}*

§ 13-404. Penalties: $1,000.

Any person who violates any provision of this title or of any order, rule, or regulation issued under this title is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $1,000 for each offense.

(City Code, 1976/83, art. 11, §216(e).) (Ord. 99-548.)

TITLE 14
AMMUNITION SALES TO MINORS

§ 14-101. Definitions.

(a) *In general*.

In this title, the following terms have the meanings indicated.

(b) *Ammunition*.

"Ammunition" means any cartridge, shell, or other device that contains explosive or incendiary material and is designed or intended for use in any firearm.

(c) *Firearm*.

"Firearm" means any pistol, revolver, rifle, shotgun, short-barreled rifle, short-barreled shotgun, or other firearm.

(d) *Minor*.

"Minor" means any person under the age of 18.
(Ord. 02-452.)

§ 14-102. *{Reserved}*

§ 14-103. Sale, etc., to minors prohibited.

No person may sell, give, or otherwise transfer, or attempt to sell, give, or otherwise transfer any ammunition to a minor.
(Ord. 02-452.)

§ 14-104. Purchase, etc., by minors prohibited.

No minor may:

(1) purchase or attempt to purchase any ammunition; or

(2) possess any ammunition in any public place.
(Ord. 02-452.)

§ 14-105. Photo ID required.

No person may sell, give, or otherwise transfer or attempt to sell, give, or otherwise transfer any ammunition to any individual without first verifying, by means of photographic identification that contains the individual's date of birth, that the individual is not a minor.
(Ord. 02-452.)

§ 14-106. *{Reserved}*

§ 14-107. Registration.

(a) *In general.*

(1) Except as specified in paragraph (2) of this subsection, every person engaged in the business of selling ammunition must apply to the Commissioner of Health for a "Protections of Minors" registration.

(2) This section does not apply to a person who is licensed under State Code Article 27, § 443 as a regulated firearms dealer.

(b) *Form and information.*

The registration must:

(1) be on the form that the Commissioner provides;

(2) contain the information that the Commissioner requires; and

(3) be supplemented within 30 days of any change in the information submitted.

(c) *Fees.*

Registration fees are as follows:

(1) Initial registration of business – $10.

(2) Supplementation of information – $5.

(Ord. 02-452.)

§ 14-108. Notices.

Every person engaged in the business of selling ammunition must post conspicuously in that person's place of business a notice of:

(1) the prohibition in § 14-103 of this title against the transfer of ammunition to minors; and

(2) the requirement in § 14-105 of this title for age verification.

(Ord. 02-452.)

§ 14-109. Sales log.

(a) *Required.*

Every person engaged in the business of selling ammunition must keep a log of all ammunition sales.

(b) *Contents.*

The sales log must contain, for each sale of ammunition:

(1) a copy of the sales receipt; and

(2) a copy of the purchaser's photographic identification, clearly showing the purchaser's name and date of birth.

(c) *Inspection.*

During business hours, the sales log must be kept near the register and made available for inspection by any police officer or any designee of the Commissioner.

(Ord. 02-452.)

§ 14-110. ***{Reserved}***

§ 14-111. Rules and regulations.

In the rules and regulations adopted under § 2-106 {"Rules and regulations"} of this article, the Commissioner may include provisions governing:

(1) registration information to be provided and, from time to time, supplemented under § 14-107 of this title;

(2) the wording, size, and placement of the notices required by § 14-108 of this title; and

(3) the form of and information to be recorded in the sales log required by § 14-109 of this title.

(Ord. 02-452.)

§ 14-112. ***{Reserved}***

§ 14-113. Penalties.

Any person who violates any provision of this title or of a rule or regulation adopted under this title is guilty of a misdemeanor and, on conviction, is subject to a fine of $1,000 or imprisonment for 1 year or both.

(Ord. 02-452.)

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TITLE 15
EPHEDRINE PRODUCTS

SUBTITLE 1
DEFINITIONS

§ 15-101. Definitions.

(a) *In general.*

In this title, the following terms have the meanings indicated.

(b) *Distribute.*

"Distribute" means to:

(1) give away, sell, deliver, dispense, or issue;

(2) offer to give away, sell, deliver, dispense, or issue; or

(3) cause or hire any person to:

(i) give away, sell, deliver, dispense, or issue; or

(ii) offer to give away, sell, deliver, dispense, or issue.

(c) *Ephedrine product.*

"Ephedrine product" means any dietary supplement product designed or intended for human consumption that contains any natural or synthetic ephedrine.

(Ord. 03-621.)

SUBTITLE 2
DISTRIBUTION TO MINORS

§ 15-201. Unlawful distribution – Businesses.

A person engaged in the business of selling or otherwise distributing ephedrine products for commercial purposes may not:

(1) distribute any ephedrine product to a minor, unless the minor is acting solely as the agent of an employer engaged in the business of distributing ephedrine products; or

(2) distribute to a minor any coupon redeemable for any ephedrine product.

(Ord. 03-621.)

§ 15-202. Unlawful distribution – Others.

(a) *In general.*

A person not described in § 15-201 of this subtitle may not buy for or sell or deliver to a minor:

(1) any ephedrine product; or

(2) any coupon redeemable for any ephedrine product.

(b) *Parent or guardian at physician's direction.*

This section does not apply to a parent or guardian of a minor who provides the product to the minor in accordance with written instructions of the minor's physician.

(Ord. 03-621.)

§ 15-203. Exceptions – Identification as adult.

A person has not violated this subtitle if:

(1) the person examined a buyer's or recipient's driver's license or other identification issued by an employer, governmental entity, or institution of higher education; and

(2) the license or other identification identified the buyer or recipient as being at least 18 years old.

(Ord. 03-621.)

§ 15-204. Exceptions – Published coupon.

This subtitle does not apply to the distribution of a coupon that is:

(1) contained in a newspaper, magazine, or other type of publication in which the coupon is incidental to the primary purpose of the publication; or

(2) sent through the mail.
(Ord. 03-621.)

§§ 15-205 to 15-208. ***{Reserved}***

§ 15-209. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(Ord. 03-621.)

§ 15-210. Criminal penalties: $1,000.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $1,000 for each offense.
(Ord. 03-621.)

SUBTITLE 3
PRODUCT PLACEMENT

§ 15-301. General requirements.

Except as otherwise specified in this subtitle, no establishment that sells ephedrine products at retail may display, store, or place any ephedrine product anywhere that is accessible to customers without the intervention of the seller or an employee of the seller.
(Ord. 03-621.)

§ 15-302. Examples of complying placement.

The display, storage, or placement of ephedrine products in accord with one of the following methods does not violate § 15-301 of this subtitle:

(1) behind a sales counter in a place that, absent extraordinary efforts, is beyond the physical reach of customers;

(2) in a locked display case for which seller assistance is needed to gain access to products in the case; or

(3) in an overhead merchandise rack that:

(i) at its lowest point, is at least 6 feet above the floor; and

(ii) permits access to products in the rack only from the side facing away from customers.

(Ord. 03-621.)

§§ 15-303 to 15-308. *{Reserved}*

§ 15-309. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(Ord. 03-621.)

§ 15-310. Criminal penalties: $500.

(a) *In general.*

An owner, operator, or manager of an establishment that violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $500 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.
(Ord. 03-621.)

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TITLES 16 - 17
{RESERVED}

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TITLE 18
MISCELLANEOUS REGULATIONS

§ 18-101. Burials.

(a) *Grave depth.*

Every grave dug in any cemetery or burial ground must be at least 4' 6" deep.

(b) *Penalties.*

Any person who violates this section is guilty of a misdemeanor and, on conviction, subject to a fine of not more than $100 for each offense.

(City Code, 1976/83, art. 11, §§218, 219(a).) (Ord. 99-548.)

§ 18-102. Youth baseball gear.

(a) *Definitions.*

(1) *In general.*

In this section, the following terms have the meanings indicated.

(2) *"Approved protective gear".*

"Approved protective gear" means protective eye, head, and body equipment that meets or exceeds standards set by any of the following for use in youth baseball:

(i) the American National Standards Institute;

(ii) the American Society of Testing and Measurements;

(iii) the Snell Memorial Foundation; or

(iv) any other organization that the Health Commissioner designates for this purpose.

(3) *"Youth baseball".*

"Youth baseball" means any baseball game or practice session held under the auspices of:

(i) Little League Baseball; or

(ii) any other organization of 2 or more teams.

(b) *Protective gear required.*

No individual under the age of 16 may participate in youth baseball, at any position, unless she or he is wearing approved protective gear of the type the Commissioner designates as appropriate for that position.

(c) *Rules and regulations.*

In the rules and regulations adopted under § 2-106 {"Rules and regulations"} of this article, the Health Commissioner must include provisions, consistent with this section, that designate:

(1) the types of protective gear that are appropriate for each playing position; and

(2) the organizations whose standards may be used for determining whether equipment is approved protective gear for purposes of this section.

(d) *Enforcement.*

This section is enforced by the issuance of a warning that:

(1) informs the offender of the requirements of this section; and

(2) contains educational materials about approved protective gear for youth baseball.
(Ord. 01-273.)